

HOUSING TOWN PLANNING ETC. ACT 1909

A PRACTICAL GUIDE
IN THE PREPARATION OF
TOWN PLANNING
SCHEMES

E. G. BENTLEY
AND
S. POINTON TAYLOR

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A PRACTICAL GUIDE IN THE
PREPARATION OF TOWN
PLANNING SCHEMES

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HOUSING, TOWN PLANNING, ETC., ACT, 1909

A PRACTICAL GUIDE IN THE PREPARATION OF TOWN PLANNING SCHEMES

With Appendices containing the Text of the Act, the Procedure Regulations, Extracts from the Hampstead Garden Suburb Act, 1906, Extracts from the Liverpool Corporation (Streets and Buildings) Act, 1908, etc., etc

Also

Specimen Forms of Notices and Advertisements and a Model Set of Coloured Plans prepared in accordance with the requirements of the Regulations

By

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(Members of the National Housing Council)

With a Foreword

by

RAYMOND UNWIN

LONDON

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FOREWORD

THE collaboration of a lawyer and an architect to produce a book on the preparation of Town-Planning schemes is peculiarly appropriate. The point of view is so entirely different, that each can contribute much that the other could hardly expect to know. The man of action in making the plan of a scheme is dependent on the man of law to tell him what he may and may not do, while the latter is dependent on the former to know what it is desirable should be done and how the doing of it may be facilitated or hindered, to tell him, in fact, just the points on which legal guidance would be valuable. The advantage of this combination will be apparent to all readers of the useful little volume which has resulted from it.

“Town Planning” has a prosaic sound, but the words stand for a movement which has, perhaps, a more direct bearing on the life and happiness of great masses of the people than any other single movement of our time. The relative proportion of people who dwell in cities to those who dwell in country villages has been rapidly growing, and while, as a result, much of the beauty of our old towns has been destroyed, little has been done to secure even a decent standard of health and comfort, much less to create any beauty in the new urban areas which have been developed to accommodate this rapidly-increasing population.

Town Planning simply represents the attempt of the community to control town development with a view to providing health, convenience and beauty. There have, in the past, been times when the City as the centre, has had predominating importance. Great and beautiful cities like Athens or Venice have resulted. They were the expression of what was best in the life of their citizens, and were planned to minister to its convenience and to enhance its glory. It is somewhat remarkable that in spite of the vast development of scientific organization as an important element of industrial life throughout the last century, we should have failed entirely to apply this organization to our city development.

We have allowed our towns to grow in such a haphazard manner that we find the banks of our canals and the margins of our railway sidings crowded with rows of cottages, while the materials of our industry, for want of immediate access to these very canals and sidings, have to be carted long distances at great expense and often with much resulting congestion of traffic. Town Planning when fully carried out, means the reservation for industrial uses of the areas most valuable for the purpose by reason of having immediate access to rail, road or water conveniences. It means arranging for the most convenient communication by road or railway between these industrial regions and the most healthy and attractive areas ; which again would be reserved and most carefully laid out for residential purposes. It also means providing the most convenient means of access possible between both these areas and the great centres of exchange, of wholesale and retail business, all which would enormously add to the efficiency of the population, facilitating their industrial activities and rendering their dwellings more healthy and attractive.

The movement which has brought into being Mr. Burns' Town-Planning Act, and which is seeking to find through that Act the means of realizing its aims, indicates a great development of the civic spirit ; and if this continues to grow it is not too much to say that Town Planning will prove to be the first step in the creation of a new type of beautiful cities expressing what is best in modern life.

RAYMOND UNWIN.

January 2, 1911.

AUTHORS' PREFACE

THE Authors' principal aim in preparing this Book has been to provide a practical work for the guidance of the Chairman, Members and Officers of the various Local Authorities concerned in the exercise of town-planning powers and to assist landowners and their agents in the preparation of town planning-schemes.

With the general objects of town planning the public are already sufficiently familiar. The aim is to secure in the case of land which is in process of development, or which appears likely in the not distant future to be devoted to building purposes, proper sanitary conditions and the largest measure possible of amenity and convenience. These objects are to be attained by means of town-planning schemes prepared in accordance with the provisions of the Housing, Town-Planning, etc., Act, 1909. This Act marks an important advance not only in the relations between landowners and the various Local Authorities clothed with Town-Planning powers, but in the campaign which has been in progress for upwards of half a century to secure healthy conditions for the public, adequate light and air, reasonable facilities for recreation, and that pleasantness and amenity in their environment which is so important a factor in national wellbeing. Nor is the Act, as is sometimes erroneously imagined, an adoptive one. It is a public general Statute of universal application in England, Scotland and Wales and plenary power is reserved to the Local Government Board to cause it to be put into operation in proper cases. Were the advantages of the Act fully understood, the Authors feel assured that there would be no need to resort to these powers in any single case, but in view of the fact that the Act, and in even greater measure the procedure regulations of the Local Government Board, are necessarily most complicated, it seemed advisable to put the subject before the public in a comprehensive and intelligible form. The Authors have made an effort to do this in the present volume, and no critic, however incisive, can be more conscious than are they of the many defects attendant upon a pioneer work of this kind or of the many doubts and difficulties at present remaining unsolved.

Any criticism, hints, or suggestions calculated to enable the authors to improve their work in the future will be heartily welcomed. Parliament has, by the Act, merely clothed certain Local Authorities with subordinate legislative powers and enabled them, with the sanction and approval of the Local Government Board, to prepare town-planning schemes which when approved will have the force of local Acts of Parliament. The Act defines the particular categories of land in regard to which schemes can be made, enumerates the matters which may be dealt with, specifies the conditions, and supplies the machinery which the Local Authority will have to put in force. As part of this machinery the Act empowers the Local Government Board to issue regulations as to the procedure to be followed, and also to prescribe certain General provisions (or separate sets of General provisions differentiated to suit the varying requirements of different localities) which, when issued, will be of the nature of general clauses and take effect as part of every scheme unless expressly varied or excluded by the scheme itself.

In their Procedure Regulations the Board have detailed with great particularity the various steps to be taken in the preparation of schemes. The regulations fall into two parts, that is to say, the steps to be taken to obtain the authority of the Local Government Board to the preparation of a scheme and the procedure to be observed in preparing the scheme itself. It appears to be felt in some quarters that the first mentioned steps are needlessly elaborate, but town planning is a difficult and complicated matter, and the Authors are not satisfied that much (if any) of the required detail could safely be dispensed with. On the contrary, they think it will be difficult to ascertain with too great care the existing circumstances and conditions of a district before the operation of town planning is entered upon. The matters which may be dealt with in schemes are manifold and complicated, and will in many cases involve most important interests. Moreover, the provisions of the scheme when complete must be such as will best fit the circumstances of the locality not only in the present but in the future. The Local Government Board have not at the time of writing issued any general provisions under the Act, and they state that they will not in fact be able to do so immediately. There will, it is believed, be a danger inherent in the general provisions : that they may be incorporated bodily into schemes without adequate con-

sideration of their suitability to special local circumstances. They will be analogous to the Model Bye-laws issued by the Board in the past, which have been adopted with but slight modification almost universally throughout the Country, not in all cases in all respects to the ultimate public advantage.

Pending the issue of the General provisions all the various matters which may be dealt with in town-planning schemes will require attention in each individual scheme, and the Authors have attempted to give such indications as may be useful to those who may desire to secure the advantages of the Act without awaiting the issue of the general provisions or for the science of town planning to become more fully developed by practice and experience. They have reviewed the various subjects which may be dealt with in town-planning schemes in the order in which they will require consideration by Local Authorities or landowners who may contemplate availing themselves of the Act.

The Authors have also arranged in consecutive order the steps required to be taken under the procedure regulations and prepared specimen forms of notices and advertisements and a model set of maps to the required scale illustrating as far as practicable the various details which by the regulations will have to be shown in the maps prepared to accompany a scheme.

The Authors desire to express their acknowledgments to Mr. Raymond Unwin for the kindly interest he has taken throughout in their labours, and to Mr. Henry Aldridge, Secretary of the National Housing Council, for his assistance in determining (so far as it was possible so to do) several difficult points arising under the Act. The Authors' thanks are also due to the Controller of H.M. Stationery Office for kind permission to reproduce the documents contained in the Appendices, and a word of appreciation is due to the Publishers, Messrs. George Philip & Son, Ltd., for the great assistance they have rendered to the authors in the preparation of the specimen maps accompanying this work, and for the care they have exercised in reproducing them in strict compliance with the Regulations of the Local Government Board.

E. G. BENTLEY,

S. POINTON TAYLOR.

3, LINCOLN'S INN FIELDS, W.C.

January 3, 1911.



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NOTES ON THE MAPS REQUIRED BY THE PROCEDURE REGULATIONS

ORDNANCE MAPS must be used as the basis of all maps prepared for the purposes of town-planning schemes in all cases where Ordnance Maps are published in respect of the district or area in relation to which the maps are required: they must be to a scale not less than that specified by the Regulations in each case: they must be mounted on linen, folded in book form, and have a scale properly drawn thereon.

A MODEL SET OF COLOURED PLANS, comprising MAPS Nos. 1, 2 and 4, accompany this volume. No practical advantage could be derived from preparing specimens of the remaining maps required by the Regulations.

MAP No. 1. Scale 25·344 in. to the Mile.

This Map must show the land proposed to be included in the scheme and be deposited for inspection. [Art. 1. *Procedure Regulations*.]

MAP No. 2. Scale not less than 25·344 in. to the Mile.

This Map is required for the purpose of communicating to the Board the preliminary ideas of the local authority and to enable the Board to decide upon the precise area to be covered by their authority to prepare a scheme. The particulars required to be shown on the map do not commit the local authority to the precise scheme outlined and the map need not be deposited for inspection. [Arts. 4, 6 and 7. *Procedure Regulations*.]

MAP No. 3. Scale 1 in. to the Mile.

This Map is required for the purpose of showing to the Board the whole of the district of any local authority whose district will be affected by the scheme and the surrounding neighbourhood for a distance of 5 miles. It will assist the Board in deciding what area shall be comprised in a scheme, what probable main lines of communication will be required to traverse that area, and to whom the authority shall be granted. This map need not be deposited for inspection. [Art. 5 (c). *Procedure Regulations*.]

MAP No. 4. Scale not less than 25·344 in. to the Mile.

This is the most important Map in the series and is intended to define in draft the considered proposals of the local authority. It must be deposited for inspection. [Arts. 14, 15 and 16. *Procedure Regulations.*]

MAP No. 5. Scale not less than 25·344 in. to the Mile.

This Map is required for sealing as part of the scheme as made for the approval of the Board. It must be identical in all respects with Map No. 4 except in so far as the local authority may have decided to alter or modify that map in deference to suggestions, objections or representations made to them. It will be deposited for inspection as part of the scheme as soon as the scheme has been submitted to the Board for approval. [Arts. 18 and 23. *Procedure Regulations.*]

MAP No. 6. Scale 6 in. to the Mile.

This Map is required for the information of the Board and must comprise the district of the local authority ; and the land included in the scheme. It must show all recreation grounds or public open spaces, public elementary schools, and buildings erected in the area required to be comprised in the map up to the time when the map is sent to the Board ; distinguishing buildings begun within the area included in the scheme since the application to the Board for authority to prepare the scheme. This map need not be deposited for inspection. [Art 20. (c). *Procedure Regulations.*]

MAP No. 7. Scale not less than 25·344 in. to the Mile.

This Map is also required for the information of the Board and must show the area included in the scheme so divided as to indicate as nearly as may be the portions of such land belonging to different owners and the name of the owner of each portion. This map need not be deposited for inspection. [Art. 20 (d). *Procedure Regulations.*]

No provision is contained in the Regulations as to the colouring to be adopted in the preparation of the maps, but the Board have pointed out the desirability of following as far as possible the same scheme of colouring throughout all the maps so that e.g. if a particular colour is used to indicate some special feature on Map No. 1 the same colour should be used to indicate the same feature on any map at a later stage of the proceedings.

CHAPTER I

The Objects of Town-Planning—Co-operation—Town-Planning Schemes—The Act—The Local Government Board—The Local Authority—Default Powers—Approval—Effect and Revocation of Scheme—The Prima Facie Case

AN opportunity is now offered of ensuring, by means of Town-Planning Schemes prepared in accordance with the provisions of Part II. of the Housing, Town Planning, etc., Act, 1909, that land in the vicinity of towns which is being or is likely to be developed for building purposes shall be developed in such a way as to secure proper sanitary conditions, amenity and convenience in connexion with the laying out and use of the land and of any neighbouring lands.

Hitherto the conflicting interests of different owners and the absence of any power in any public authority to guide and control development according to the circumstances and requirements of particular cases, have resulted in the development of estates with the sole regard to the immediate interests of the particular estate, a course which is calculated to entail much eventual loss, not only to the landowners concerned, but to the community at large.

To secure proper sanitary conditions in the development of land has been, during recent years, the aim of numerous statutes, bye-laws, regulations and local Acts, and a great improvement has no doubt been effected, but all such provisions are necessarily inelastic in measure as they are general in their scope and application. Moreover, they are not concerned with amenity and convenience, except in so far as proper sanitary conditions may be considered to be implied by those terms. Town-planning schemes, on the other hand, will be prepared with special reference to the actual circumstances of each particular case, and amenity—the quality of pleasantness—will, in addition to adequate sanitary arrangements,

be a conscious object of effort. By intelligent appreciation of the probable trend of future growth it should be possible in great measure to prevent the occurrence, within the area included in the scheme, of those evils which the Housing of the Working Classes Acts, 1890 to 1909, are designed to remedy, and to save future generations of ratepayers the heavy expenditure involved in clearing and rebuilding unhealthy areas, closing and demolishing dwelling-houses which are found to be unfit for human habitation, and destroying other structures and buildings which, while not themselves unfit for human occupation, are so situated as to render neighbouring buildings unhealthy, or to prevent proper measures being taken for remedying insanitary conditions existing on other premises. It should also prove possible to obviate, as regards land which is about to be developed, those conditions which have necessitated in our ancient towns and cities the making of new thoroughfares, and caused the vast expenditure required for carrying out Town Improvement Schemes, and for straightening or widening public highways in order to make them adequate for the purposes of public traffic. As a further development of, and indeed an important adjunct to, sanitation and convenience, it will now be remembered that a pleasant environment is an important factor in public health, and its provision a true economy. Every effort should be made when developing land for human habitation, not only to preserve to the utmost every object of natural beauty, but to so plan and guide the development itself as to produce a pleasing and harmonious result, a locality preserved, designed and built in accordance with the best conceptions of architectural and artistic beauty. Cast-iron bye-laws and regulations have in the past often militated against development upon such lines. They have tended to stereotype the plan of development; the outlay they entail is a principal contributory cause of "land sweating," and is frequently under the particular circumstances of the land and neighbourhood wasteful and unnecessary. Town-planning schemes may provide for the suspension, so far as may be necessary for the proper carrying out of the scheme, of any such bye-laws and regulations, and it is hoped that in this way it may prove practicable to avoid much unnecessary expenditure, and to enable the town planner to prepare schemes in accordance with the experience gained of the real necessities both architectural and practical of an up-to-date development.

The achievement of these objects will hardly be possible without thorough co-operation between the local authorities and the land-owners concerned or affected, and the landowners with one another. In fact town-planning involves a material advance in the relations between local authorities and the owners of land, and enables each party to co-operate with the other in promoting the general interest.

The means prescribed for attaining the objects in view is the preparation of town planning schemes made in accordance with the provisions of Part II. of the Housing, Town Planning, etc., Act, 1909, and that Act is hereafter referred to as "the Act." The Local Government Board (hereafter referred to as "the Board") is the department of State named as the administrative authority for the purposes of the Act, but the Board will in no case itself prepare a scheme.

This duty is entrusted to local authorities, and the local authorities for the purposes of the Act are (outside London), in Boroughs, the Town Council, and in Urban or Rural Districts, the Urban or Rural District Council, and for the County of London, the London County Council. If the local authority satisfy the Board that there is a *prima facie* case for making a town-planning scheme with reference to any land within or in the neighbourhood of their area, the Board may authorize the local authority to prepare such a scheme, or may authorize the local authority to adopt with or without modification any such scheme proposed by all or any of the owners of any land with respect to which the local authority might themselves have been authorized to prepare a scheme. The Board have expressed the hope that Councils in whose districts signs of development are visible will give very full consideration to the opportunities which the Act offers of guiding and controlling that development for the benefit of the community generally.

If the Board are satisfied on any representation, after holding a public local inquiry, that a local authority have failed to take the requisite steps for having a satisfactory town-planning scheme prepared and approved in a case where a town-planning scheme ought to be made; or have failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted, the Board may, as the case requires, order the local authority to prepare and submit for the approval of the Board such a town-planning scheme, or to adopt the scheme proposed by the owners. Moreover, where the representation is that a local authority have

failed to adopt a scheme proposed by landowners, the Board, in lieu of making such an order as aforesaid, may themselves approve the proposed scheme subject to such modifications or conditions, if any, as they think fit, and thereupon the scheme shall have effect as if it had been adopted by the local authority and approved by the Board. Any order made by the Board under these powers may be enforced by mandamus.

A town-planning scheme, whether prepared or adopted by the local authority, is of no effect until it has been approved by order of the Board, and the Board may refuse to approve it except with such modifications and subject to such conditions as they think fit to impose. Before the Board approve a scheme they must publish a notice of their intention to do so in the *London or Edinburgh Gazette* as the case may be, and if within twenty-one days from the date of such publication any person or authority interested objects to the scheme being approved and causes the objection to be made to or brought before the Board by means of a letter or other representation in writing, addressed and posted or otherwise given, sent or delivered to the Board at their office, indicating clearly the scheme to which the objection is taken, and stating fully in what respects the person or authority objecting claims to be interested in the scheme and the grounds on which the objection is made, then the draft of the order approving the scheme shall be laid before each House of Parliament for a period of not less than thirty days during the session of Parliament. If either of the Houses of Parliament before the expiration of those thirty days presents an address to His Majesty against the draft, or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft scheme.

When approved by the Board the scheme will have effect as if it were enacted in the Act, i.e. as an Act of Parliament, subject to this—that it may be varied or revoked by a subsequent scheme prepared or adopted and approved in accordance with the Act and subject to the power reserved by the Act to the Board on the application of the responsible authority or of any other person appearing to the Board to be interested to revoke the scheme by their order, if they think that under the special circumstances of the case the scheme should be so revoked. Upon revocation by the Board under this power, any person who has incurred expenditure for the purpose of complying with the scheme will be entitled to compensa-

tion under the Act in so far as any such expenditure is rendered abortive by the revocation of the scheme.

In conferring such powers on a Department of State a new departure appears to have been made in the sphere of legislation, and it is conceived that in deciding whether or not to give their approval to a proposed scheme the Board will regard the scheme submitted to them as a draft of a local Act proposed to be made by subordinate legislative authority in pursuance of delegated legislative powers. If this is so it will be their duty to see that the provisions of the scheme are *intra vires*, i.e. that they do not travel beyond the exact scope of the authority delegated by Parliament to local bodies and the Board in the Act. The provisions must be certain and exact in phraseology, clear and positive in what they lay down, reasonable in their requirements, and in no way repugnant to the general law of the land.

It will be noticed that before the local authority actually prepare a scheme themselves, or before they proceed to adopt with or without modifications a scheme proposed by owners, they must satisfy the Board that there is a *prima facie* case for making a scheme, and must receive an authorization to prepare or adopt a scheme as the case may be. Whether such a *prima facie* case exists, and whether a town-planning scheme ought to be made, can only be determined after a careful consideration of all the circumstances in the light of the provisions of the Act defining what the contents of a town-planning scheme may be. It is possible that this investigation will lead to some disappointment, for the impression appears to have become general that the Act enables wide and far-reaching schemes to be worked out remodelling our ancient towns or mapping in advance the ultimate development of the country-side. It will, however, we think, be found that the purview of the Act is more limited, and that as a general rule areas already fully developed into towns will not be affected by it, and the peace of the agricultural districts will not be disturbed by its provisions unless indeed that peace is already threatened by the advance of the building speculator or prospector.

The various matters which may be dealt with in town-planning schemes is the subject of the next chapter, and it is necessary at this point to warn the reader that it will be well ever to bear in mind the sections of the Act relating to compensation, which will be more particularly referred to in the 15th chapter.

CHAPTER II

The Contents of Town-Planning Schemes—General Provisions—Special Provisions—Suspension of Public General Act

THE general objects of town-planning schemes are, as has already been said, to secure proper sanitary conditions, amenity and convenience in connexion with the laying out and use of land for building purposes and of any neighbouring lands, and the Board is empowered to prescribe a set of General Provisions, or separate sets of General Provisions adapted for areas of any special character, for carrying out these general objects and in particular for dealing with the matters set out in the Fourth Schedule to the Act. The Board say that they are giving this matter of general provisions their consideration, but they will not be able to issue them immediately. When issued, the General Provisions appropriate to the area for which a town-planning scheme is made will take effect as part of every scheme, except so far as they are varied or excluded by the provisions of the scheme itself as approved by the Board.

Before they are issued the General Provisions will have to be laid before Parliament, and the Rules Publication Act, 1893, is to apply to them as if they were statutory rules within the meaning of section one of that Act. Consequently any public body interested will have the opportunity afforded by that Act of making representations or suggestions before the provisions are finally settled.

No doubt when issued these General Provisions will materially lessen the labour connected with the preparation of a town-planning scheme, but they will nevertheless require to be carefully scrutinized in each case to see that they are adequate and that they contain nothing inconsistent with the special circumstances or characteristics of the locality or the kind of development desired, and if necessary provisions supplementing, excluding or varying them will require to be inserted in the scheme.

In the meantime, and until the General Provisions are issued, all or any of the matters which are ultimately to be dealt with by them must, so far as may be necessary for the purposes of the particular scheme, be dealt with by provisions inserted in the scheme itself.

The matters therefore which will form the subject of provisions in a town-planning scheme are as follows :—

- (1) The area to which the scheme is to apply.
- (2) The authority (in the Act called the "Responsible Authority") who are to be responsible for enforcing the observance of the scheme and for the execution of any works which under the scheme or the Act are to be executed by a local authority.
- (3) Streets, roads, and other ways, and stopping up, or diversion of existing highways.
- (4) Buildings, structures, and erections.
- (5) Open spaces, private and public.
- (6) The preservation of objects of historical interest or natural beauty.
- (7) Sewerage, drainage, and sewage disposal.
- (8) Lighting.
- (9) Water supply.
- (10) Ancillary or consequential works.
- (11) Extinction or variation of private rights of way and other easements.
- (12) Dealing with, or disposal of, land acquired by the responsible authority or by a local authority.
- (13) Power of entry and inspection.
- (14) Power of the responsible authority to remove, alter, or demolish any obstructive work.
- (15) Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.
- (16) Power of the responsible authority or a local authority to accept any money or property for the furtherance of the object of any town-planning scheme, and provision for regulating the administration of any such money or property, and for the exemption of any assurance with respect to money or property so accepted from enrolment under the Mortmain and Charitable Uses Act, 1888.

- (17) Application with the necessary modifications and adaptations of statutory enactments.
- (18) Carrying out and supplementing the provisions of the Act for enforcing schemes.
- (19) Limitation of time for operation of scheme.
- (20) Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested by means of conferences, etc.
- (21) Charging on the inheritance of any land, the value of which is increased by the operation of a town-planning scheme, the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations, the provisions of any enactment dealing with charges for improvements of land.
- (22) Suspending so far as necessary for the proper carrying out of the scheme any statutory enactments, bye-laws, regulations, or other provisions under whatever authority made, which are in operation in the area included in the scheme, and
- (23) Any special circumstances or contingencies for which adequate provision is not made under one or other of the foregoing heads.

There can be little doubt that in connexion with these matters the Act contemplates and authorizes the insertion of provisions (a) restricting the use of particular areas of the land to specified purposes, e.g. for buildings for manufacturing purposes or buildings of a special character in reference either to the purposes to which they are to be applied or to their height or otherwise ; (b) prescribing the space about buildings ; (c) limiting the number of buildings which may be erected on any portion of the land or on each acre in any portion of the land ; and (d) prescribing the height and character of buildings.

In every case where the scheme contains provisions suspending any enactment contained in a public general act the scheme cannot come into force unless a draft of it has been laid before each House of Parliament for a period of not less than forty days during the session of Parliament, and if either of the Houses before the expiration of those forty days presents an address to His Majesty against the proposed suspension, no further proceedings can be taken on the draft, but the promoters may set about the making of a new scheme.

The whole scheme will have to be reduced to writing and ultimately printed, and the details specified in maps in accordance with the Procedure Regulations of the Board.

The above remarks will afford some guide as to the matters which can be the subject of provisions contained in town-planning schemes; but in the absence of the General Provisions of the Board it is a task of considerable difficulty to indicate in a satisfactory manner what the provisions should specify as regards several of the matters to be dealt with, and even when the General Provisions have been published, it is anticipated that they will be found to require considerable modification in each scheme, for the ruling principle in the preparation of every scheme should be the careful consideration of the special circumstances and characteristics of the area to be dealt with so that the provisions when framed may be in consonance therewith.

CHAPTER III

The Land which may be made the Subject of Town-Planning Schemes—Land in Course of Development—Land which appears likely to be used for Building Purposes—Inclusion of Land already Built Upon or not likely to be used for Building Purposes—Land of Government Departments—Land in Neighbourhood of Royal Palaces or Parks

THE Act contemplates that town-planning schemes should primarily be concerned with land "which is in course of development or appears likely to be used for building purposes," and the expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town-planning scheme, whether in the nature of a building work or not.

Any question that may arise as to whether land is likely to be used for building purposes within the meaning of that expression will be decided by the Board, whose decision will be final.

In connexion with every scheme the Board will require to be furnished with information as to the general character of the land proposed to be included in the scheme, the extent to which the scheme applies to land in course of development, and the extent to which it applies to land likely to be used for building purposes. As regards such last-mentioned land the grounds for considering that it is likely to be so used must be stated.

It is clear that one of these grounds may be that the land is intended to be devoted to the provision of open spaces, roads, streets, parks, and pleasure or recreation grounds, or to be utilized in the execution of any work upon or under the land incidental to the scheme, whether such work is in the nature of a building work or

not, in either of which cases the land is included within the phrase "land likely to be used for building purposes" by the express words of the Act itself.

But as regards land not intended to be so utilized the draughtsman of the Act and the Board appear to have intentionally refrained from using any words or expression which would in any way limit the absolute power conferred upon the Board to decide in each particular case whether land is likely to be used for building purposes or not. Much must obviously depend upon the circumstances of each particular case, but it is thought that the Board, in deciding what grounds they will accept as valid grounds for considering that land is likely to be used for building purposes, will be found to lean rather towards a wide than a strict and narrow construction of the Act.

In the main, and apart from special circumstances, it will usually be found that where land has a selling value in the open market in excess of its reasonable and probable value for purely agricultural purposes the excess will represent its prospective value for building purposes, and the amount of that excess value will be the measure of the likelihood of its being used for building purposes in the future. The reasons for the excess in value will not as a rule be difficult to ascertain and formulate, and (unless these reasons are found to have no connexion with the value of the land for prospective building development) they will afford the grounds, or some of the grounds upon which it is reasonable to affirm that the land is likely to be used for building purposes.

The scheme need not be exclusively confined to land falling within the above categories. The Act provides that where it is made to appear to the Board that a piece of land already built upon, or a piece of land not likely to be used for building purposes, is so situated with respect to any land likely to be used for building purposes that it ought to be included in any town-planning scheme made with respect to the last-mentioned land, the Board may authorize the preparation or adoption of a scheme including such piece of land.

In this connexion it should be borne in mind that the express object of town-planning schemes is to secure proper sanitary conditions, amenity and convenience in connexion with the laying out and use of land which is in course of development or appears likely to be used for building purposes, and of any neighbouring

lands. It would appear, therefore, that pieces of land already built upon, or not likely to be used for building purposes, can only be included in the scheme if they answer to the description of "neighbouring lands."

If any such pieces of land are included the Board will require the local authority to furnish it with the reasons which in the opinion of the local authority render it necessary or desirable to include such lands in the scheme; and as regards any land not likely to be used for building purposes, the grounds on which it is considered that such land would not be so used.

In general these reasons must be such as may satisfy the Board that proper sanitary conditions, amenity and convenience in connexion with the laying out and use of the land (with which the scheme is primarily concerned) and the use of the neighbouring lands (which it is sought to include) cannot be ensured without the inclusion of such neighbouring lands.

Such reasons will generally be found to arise from considerations affecting traffic facilities, sanitary arrangements, and questions of lighting and water supply. Instances will less frequently arise where it may be necessary to remove obstructive buildings, safeguard open spaces, or preserve objects of historical interest or natural beauty. In every case the reasons will ultimately be based on the probability of some one or other of the objects of the scheme being jeopardized by the exclusion of the lands in question.

In deciding this most important point of the inclusion or exclusion of neighbouring lands, town planners will do well to bear in mind that if the Board are not satisfied that the reasons for inclusion are well founded, they may, in authorizing the preparation or adoption of the scheme, exclude any such land, whereupon all the trouble and expense previously incurred in connexion with any such land will be wasted. On the other hand it should also be borne in mind that the local authority will only be able to prepare or adopt a scheme dealing with the exact area of land included in the authorization, and however desirable it may prove in the course of the preparation of the scheme to include other lands, this it seems will not be possible without beginning the proceedings practically *de novo*, unless indeed the Board decide that the inclusion is a modification which they themselves would be justified in making in the scheme when giving it their final sanction and approval.

When decided upon the area intended to be included in the

scheme must be shown on Map No. 1 referred to in Article I of the Procedure Regulations of the Board.

The Board state that in ordinary circumstances they would probably find it necessary or desirable to direct a local inquiry to be held before giving authority to prepare or adopt a scheme, and at that inquiry the land to be included and all similar questions will no doubt be considered and decided; and the Board also state that if it is thought that at any stage prior to the submission of a scheme for their approval the assistance or advice of any of the Board's experts might tend to facilitate agreements with owners concerned, or to save labour or expense, the Board would be quite ready to arrange for such assistance or advice to be given.

The grounds for considering that any land which it is desired to include in the scheme is not likely to be used for building purposes will be found to be special to each particular case.

If any land or property of any Government department would be affected by the scheme, the Board would require to be furnished with particulars in regard to any such property and as to the Government Department concerned, and in particular where any land proposed to be included is situate within the prescribed distance from any of the royal palaces or parks, the local authority must before preparing the scheme communicate with the Commissioners of Works, and the Board, before confirming the scheme, will take into consideration any recommendation they may have received from the Commissioners of Works with reference to the proposal.

Briefly the effect may be said to be that local authorities and landowners are now empowered to make schemes dealing with and controlling the development of land on the outskirts of towns and in suburban areas, and to do so in good time so that these lands shall be well ordered and the arrangements made meet the future needs of the locality in so far as they can reasonably be anticipated.

CHAPTER IV

The Responsible Authority — Joint Body constituted specially by the Scheme—London County Council

THE “responsible” authority is the authority named in the scheme as being responsible for enforcing the observance of the scheme, and for the execution of any works which under the scheme or the Act are to be executed by that authority.

The Board may authorize a local authority as already defined (see Chapter I) to prepare a town-planning scheme with reference to any land within or in the neighbourhood of their area, or to adopt with or without any modifications any such scheme proposed by all or any of the owners of any such land, and where the land comprised in the scheme is wholly situate within the area of the local authority receiving such authorization, then it is evidently contemplated that that local authority will be named as the “responsible” authority.

Where the land is in the area of more than one local authority, or is in the area of a local authority by whom the scheme is not prepared the Board must be supplied with information as to the proposals in regard to the authority who are to be responsible for enforcing the observance of the scheme and for the execution of any works which under the scheme or the Act may have to be executed by a local authority. In this connexion the Act provides that the responsible authority may be either of the local authorities concerned, or for certain purposes of the scheme one local authority and for certain purposes another local authority, or a joint body constituted specially for the purpose by the scheme.

Except with the consent of the London County Council, no other local authority may, as respects any land in the county of London, prepare or be responsible for enforcing the observance of a town-planning scheme under the Act, or for the execution of any works which under the scheme or the Act are to be executed.

Suitable provisions upon this subject will be required in every town-planning scheme, and where a joint body constituted specially for the purpose of the scheme is contemplated, the scheme must make provision for constituting the joint body and giving them the necessary powers and duties.

CHAPTER V

Existing Highways—Liability to Repair—Main Roads, Tramway Routes—County Councils—Highway Authority and Highway District—Widening, Stopping Up, or Diversion of Existing Highways—Revival of Liability to Repair—Transfer of Liability to Highway Authority—Cases of Limited Dedication

As soon as the area to be dealt with under the Act and the authority who are to deal with it have been decided upon, the needs of the public and of the future residents in the town-planned area as regards traffic facilities and locomotion will require careful consideration, and before any decision can be arrived at in reference to the provisions of the scheme on this subject, it will be necessary to ascertain the existing highways within or contiguous to the area included in the scheme, and to determine the category to which they severally belong, and upon whom the responsibility rests as to their repair, and in this connexion to consider not only the general law, but also the contents of any local Acts, awards, orders or agreements relating to highway matters in force or affecting any part of the area included in the scheme.

At common law the word "highway" may be taken to mean any "way" over which the public may lawfully pass, and in the absence of evidence to the contrary it will be assumed that a right of public horseway or bridleway includes a right of public footway or causeway, and a right of public carriage or cartway includes a right both of public horse or bridle way and of public foot or causeway. Every highway has come into being in consequence of an intention either expressed or legally presumed on the part of an owner to dedicate the way as a highway, and an acceptance of the way as such by the public.

It has recently been laid down that the presumption is *prima facie* that the public right of way extends over the whole space of ground between the fences on either side of the highway; that is to say, that the fences may *prima facie* be taken to have been originally put up for the purpose of separating land dedicated as a highway from land not so dedicated. In all cases, however, and particularly where a highway is not fenced or passes over uninclosed land, the extent of the public right is a question of fact.

Wherever there has been dedication and acceptance prior to the coming into operation of the Highway Act, 1835, the highway so created is repairable by the inhabitants at large, unless it can be shown that by reason of any grant, tenure, limitation or appointment of any charitable gift or otherwise, the liability rests on some one else, or that by reason of some statutory provision the obligation does not exist, or that it has been put an end to by an order of the Justices, on the ground that the highway was not required for the public use.

By the Highway Act, 1835, the inhabitants at large are required to make and maintain every public carriage-way leading to any market town 20 feet wide at the least, and every public horseway 8 feet wide at the least, and every public footway by the side of any carriage-way 3 feet wide at the least, if the ground between the fences bounding the highway will admit of these requirements being complied with.

By the Highway Act, 1878, a special type of highway called a "main road" was created, and the whole burden of repair as regards such roads was cast upon the Council of the County within which the road is situate, and whenever the Procedure Regulations of the Board refer to "main roads," they must be taken to mean such roads as are main roads within the above Act. There will be no difficulty in ascertaining from the Clerk to the County Council whether any road which is or may be affected by the proposed scheme is a main road, and if so notices will have to be served on the County Council in accordance with the procedure regulations. These regulations also provide that every application to the Board for authority to prepare or adopt a scheme shall be accompanied by a map on the scale of 1 inch to the mile to be marked and known as Map No. 3, showing the district of the local authority, the land included in the proposed scheme, and the area within a distance of five miles from any part

of the district of the local authority. Map No. 4 must show the existing main roads in the area included in the scheme, and information must be supplied to the Board in regard to any tramways or light railways constructed or authorized to be constructed within that area or in the immediate neighbourhood thereof.

These requirements will enable County Councils and the Board to ascertain that the proposals of the scheme are in no way antagonistic to the present and probable future needs of the public as regards main arteries for traffic, and if they are found to be so the scheme will not be approved by the Board except with and subject to such modifications as may be required.

Except to this extent County Councils are not concerned in the preparation of town-planning schemes under the Act, nor are the promoters of such schemes, when they have furnished the Maps and information required, further or otherwise concerned with the exigencies of the public as regards through traffic, the care of which is committed to the County Councils, the Local Government Board, and to the Road Board constituted under the Development and Road Improvement Funds Act, 1909, and the promoters must submit to such conditions and modifications of their schemes as the public exigencies in this connexion may dictate.

The main roads having been ascertained, the remaining highways within the area of the scheme will be either public carriage-ways, public bridleways, or public footways.

It will in general be found that the highway authority now concerned with matters connected with the highways in any area is identical with the local authority for the purposes of the Act, i.e. in Boroughs the Borough Council, in Urban Districts the Urban District Council, and in Rural Districts the Rural District Council, and the highway district will usually be coincident with the district of those Councils.

The highway authority has no right and is under no liability to repair any way dedicated to the public since 1835, unless either (a) the provisions of section 23 of the Highway Act, 1835, have been complied with, (b) an agreement has been made under section 146 of the Public Health Act, 1875, or (c) the road has been declared a public highway pursuant to section 152 of the Public Health Act, 1875; always remembering that in districts where Part III of the Public Health Acts Amendment Act, 1890 has been adopted the pro-

visions of section 41 of that Act take the place of section 152 of the Public Health Act, 1875, and in districts where the Private Streets Works Act, 1892, has been adopted the provisions of sections 19 and 20 of that Act replace both section 152 of the Public Health Act, 1875, and section 41 of the Public Health Acts Amendment Act, 1890.

Having ascertained what the existing highways are, and upon whom the liability to keep them in repair rests, it can then be considered whether it is desirable in the scheme to insert provisions having any or all of the following objects in view :—

1. To widen any one or more of them.
2. To stop up any of them.
3. To divert any of them.
4. To revive the liability of the highway authority to repair in cases where that liability is in abeyance in consequence of an order of the Justices having been obtained that the highway was not required for public use.
5. To deal with the liability to repair as regards highways repairable *ratione tenuræ* by some one other than the highway authority or not repairable by any one by reason of informal dedication under section 23 of the Highway Act, 1835.

Appropriate provisions should be embodied in the scheme defining the proposals under any of the above heads, specifying who is to execute the work, and by reference to agreements come to or otherwise who is to bear the expenses of so doing, and later on when dealing with the application of statutory enactments the appropriate sections of the Highway Acts may be made to apply to each of such provisions with all suitable modifications and adaptations.

It may happen in the case of any scheme that some one or more of the existing highways has been dedicated to the public to a limited extent only, i.e. as a public bridleway or public footway, and it may be that an existing public bridleway or footpath has become or will under the provisions of the scheme as regards new roads become part of a new street. In such cases, upon the adaptation of such way to form a new street, the local authority could require the new street to be sewered, etc., and made up by the owners at their own expense, as fully as if the whole were in all respects a private street.

It will be necessary to show in Maps Nos. 2 and 4 the lines and widths of all old highways and all proposed alterations thereof, and also the connexions of the proposed new roads with the existing

roads and the parts thereof (if any) which are to be appropriated or set apart for special purposes. The existing private ways and the new ways proposed to be made as part of the scheme will be considered in the next chapter.

CHAPTER VI

Statutory Enactments and Bye-laws relating to New Streets—Dedication and Taking Over of Existing Private Ways—New Ways proposed as Part of Scheme—Level of New Streets—Contour Models—Width of New Streets—Land for and Cost of Construction—Main Roads for Arterial Traffic—Boulevards—Space between Buildings on Opposite Sides of Road—Carriage Roads—Accommodation Roads—Hampstead Garden Suburb Act, 1906—Footpaths—Space for Future Widening—Planting with Trees—Grass Margins—Fencing—Architectural Homogeneity—Construction of New Streets

BEFORE entering upon a consideration with reference to any scheme of the matters to be dealt with in this chapter, it will be well to ascertain whether, in the case of an Urban District, the whole or any part of the Public Health Acts Amendment Act, 1890, and the Private Street Works Act, 1892, have been adopted and in the case of a Rural District whether it has been invested with Urban powers under the Public Health Act, 1875, and whether the powers of the Public Health Acts Amendment Act, 1890, and the Private Street Works Act, 1892, have been extended to it, and also the contents of all bye-laws, regulations and other provisions in force in the area included in the scheme with respect to the level, width, and construction of new streets. The proposals as to existing private ways and new ways to be made as part of the scheme can then be adequately and fully considered in the dry light of the conditions as so ascertained. It is in this connexion that it is hoped much unnecessary expenditure may in the future be avoided, and at the same time sounder architectural treatment secured.

It will be remembered that every scheme may contain special provisions for suspending so far as necessary for the proper carrying out of the scheme any statutory enactments, bye-laws, regulations or other provisions, under whatever authority made, which are in

operation in the area included in the scheme, and when the proposals as to new ways have been fully considered in relation to the enactments, bye-laws, regulations and other provisions governing that subject in operation in the area included in the scheme, it will become possible to decide which of such enactments, etc., it may be advisable to modify or suspend. In particular where new streets are intended solely as the means of access to groups of dwelling-houses, provision should be made for a less expensive type of street than that usually required by the bye-laws, and a less width of roadway should be required to be made up and in a less expensive fashion.

It will be necessary to ascertain and show in the appropriate maps the lines and widths of the existing private ways, and provisions may be required in the scheme as regards such of them as the owners may wish to dedicate to the public use in consideration of the liability to repair being assumed by the public, and which the local authority may be willing to take over in their then present state and keep in repair in consideration of the owners agreeing to dedicate them.

Any such proposals may be dealt with by making applicable with the necessary modifications and adaptations the provisions of section 23 of the Highway Act, 1835, or an agreement may be come to under section 146 of the Public Health Act, 1875, or the way may be declared a highway under section 152 of the same Act, or the appropriate substituted enactment.

As regards new ways which it is proposed shall be made as part of the scheme, it will be necessary to show in the appropriate maps the lines and widths thereof the connexions of the proposed new roads with the existing roads and the parts thereof (if any) which are to be appropriated or set apart for special purposes (specifying them).

As regards the level of new streets the Model Bye-laws say :—

“ Every person who shall lay out a new street shall lay out such street at such level as will afford the easiest practicable gradients throughout the entire length of such street for the purpose of securing easy and convenient means of communication with any other street or intended street with which such new street may be connected or may be intended to be connected, and as will allow of compliance with the provisions of any statute or bye-law in force within the district for the regulation of new streets and buildings.”

On the face of it this seems all that is to be desired, but nevertheless its implications are antagonistic to schemes of development favoured by any but the landscape school of designers.

The landscape school can overcome the most difficult contours by simply following them with sinuous roads having very little apparent object beyond ascending and descending at the easiest possible gradients, overlooking the fact that there are other points of great practical importance which require consideration.

Sinuous roads are longer, and in this respect more expensive to make and sewer; they afford building areas difficult to divide into any but awkward plots; they do not afford direct means of communication, and they allow of no satisfactory architectural grouping of buildings, for the antagonism between the formal lines of the buildings and the curves of the road gives rise to a number of bewildering and unsatisfying perspectives and destroys all restfulness in the street picture.

The formal type of design, on the other hand, provides direct means of access, and good building areas divisible into the best building plots. It enables the designer to form satisfactory architectural groupings, to frame in his street and make each length a definite symmetrical street picture.

There will be cases when the scales will have to be held very fairly; when it will have to be remembered that a curved road more readily adapts itself to awkward contours; that tractive power is in inverse ratio to the slope of the road; that the cost of repairs is in direct ratio to the slope, and that it is generally held that a gradient of 1 in 10 is the outside limit of desirable inclination.

It is of paramount importance for the preparation of a plan for any district other than an exceptionally flat one that the area proposed to be included in the scheme, or at any rate the area proposed to be traversed by roads and used for building purposes, should be accurately contoured at intervals of not more than 5 feet. The Board state that suggestions were offered that contour models of such areas should be made, but they have not thought fit to include any provisions to this effect in their regulations. Whilst perhaps to a layman a contoured model would be simpler to understand than a contoured map, to an experienced designer of estates it would be of very little practical value, and the not inconsiderable expense of its preparation might well be saved.

With respect to the width of new streets a prefatory quotation from the general directions contained in the Swedish Statute relating to town planning may well be given here. "The town plan must be prepared so as to ensure, as far as possible, that the re-

quirements of traffic, in respect of ample space and convenience, shall be supplied ; that the light and air needed for health shall be provided ; that the danger from fire shall be guarded against ; and that there shall be open spaces, variety of construction, and the beauty necessary for æsthetic reasons."

The Model Bye-laws make the following suggestions under this heading :—

" 'Width' applied to a new street means the whole extent of space intended to be used or laid out so as to admit of being used as a public way exclusive of any steps or projections therein, and measured at right angles to the course or direction or intended course or direction of such street."

" Every person who shall lay out a new street which shall be intended for use as a carriage road shall so lay out such street that the width thereof shall be 36 feet at the least."

" Every person who shall construct a new street which shall exceed 100 feet in length shall construct such street for use as a carriage road, and shall as regards such street comply with the requirements of every bye-law relating to a new street intended for use as a carriage road."

" Provided always that this bye-law shall not apply in any case where a new street shall not be intended to form the principal approach or means of access to any building.

" Every person who shall lay out a new street which shall be intended to form the principal approach or means of access to any building, but shall be intended for use otherwise than as a carriage road and shall not exceed in length 100 feet, shall so lay out such street that the width thereof shall be 24 feet at the least.

" Every person who shall lay out a new street which shall not be intended to form the principal approach or means of access to any building, but shall be intended for use, as a secondary means of access to any premises for the purpose of the removal therefrom of house refuse and other matters, shall so lay out such street that the width thereof shall be 16 feet at the least ; provided that if such new street shall not exceed in length 100 yards the width thereof shall be 13 feet at the least."

" Every person who shall construct for use as a carriage road a new street intended to form the principal approach or means of access to any building, shall comply with the following requirements :—

“He shall construct the carriage-way of such street so that the width thereof shall be 24 feet at the least.”

“He shall construct on each side of such street a footway of a width not less than one sixth of the entire width of such street.”

“Every person who shall construct a new street shall provide that one end at least of such street shall be open from the ground upwards to the full width of such street.”

These extracts are in the main common to most bye-laws. Variations up to 50 feet as the minimum width for carriage roads are met with. The width prescribed (whatever it may be) is the standard which at one and the same time defines a minimum of width permitted and a maximum of width for which owners can be required to give land and bear the cost of road construction. Every owner can be compelled to construct roads of the widths specified, but it must be remembered that either the local authority or the County Council or the Road Board would apart from the scheme have to pay for the additional land and for the extra cost of road-making in cases where either of those authorities required the width prescribed in the bye-laws to be exceeded. There is therefore a great need for clearly defining in the scheme the widths in regard to both roads and road construction. The widths prescribed in the scheme should be such as will confine the liability of the public purse to special cases, such as the construction of great lines of communication, the provision of specially broad promenades, boulevards, etc. The cost of making all normal roads should be borne by the owners and not by the public. The Board will, without doubt, when approving a scheme, properly conserve the interests of the ratepayers and taxpayers and only approve schemes the provisions of which maintain an equitable balance between the public and landowners in connexion with such matters.

The minimum width of 36 feet prescribed by the Model Bye-laws and the requirements in connexion with making up the road are often quite needless, and if where suitable narrower roads are arranged for in the scheme, the money saved may be devoted to the provision of wider roads where the requirements of traffic, health, or architectural design demand them. In this connexion many valuable hints and suggestions can be obtained by a study of the provisions contained in the Hampstead Garden Suburb Act, 1906, and the Liverpool Corporation (Streets and

Buildings) Act, 1908, which will be found set out in Appendices C and D.

The really essential, and at the same time perhaps the most equitable, provision to make wherever practicable is that in the case of all new roads, whatever the width of the road, there shall be between any two houses standing on opposite sides of the road a space of not less than 50 feet at the least free of any buildings except walls, fences, or gates. The space so provided will, in accordance with the traffic requirements of the locality, be devoted as to its whole width or to any less extent to the provision of carriage roads or accommodation roads, or where it is desired to afford the maximum of peace and seclusion to the provision of a footpath only as the principal means of approach to dwelling-houses without any carriage road. If roads exceeding 50 ft. in width are deemed necessary then it would seem fair that the general public should bear the extra cost of land and construction attributable to the extra width provided.

Section 5 of the Hampstead Garden Suburb Act, 1906, with suitable modifications, is a good model for the provisions of the scheme as regards carriage and accommodation roads, and in the case of footpath approaches the suggestions contained in Knight's *Annotated Model Bye-laws* (7th Edition, at page 75) might well be followed. The provisions there suggested are as follows:—
 “Where a person shall lay out a new street in a case where it is proposed to erect dwelling-houses on opposite sides thereof, and such street is intended for use as the principal means of approach to such dwelling-houses but not as a carriage road, and shall not be more than 180 feet in length, such person may so lay out such street that the width thereof shall be 9 feet at the least if the following conditions are complied with;—(a) the street shall communicate at one end at least with a carriage road; (b) the street shall be constructed along the centre of the space between the houses on the opposite sides thereof; (c) the whole surface of such street shall be properly paved with flags, cement or asphalt laid with proper inclinations on a sufficient and solid foundation, and such street shall be provided with such gullies connected with a sewer as shall be necessary for the efficient drainage of such street; (d) the space on either side of such street shall be laid out as forecourts or gardens, and no fence or wall thereon shall exceed 3 feet in height. Such a system in a suitable environment adds to the picturesqueness of a district and is agreeable to the

tastes of many persons who prefer to live in the comparative peace and seclusion which it secures.

It will be well to bear in mind that where the traffic is likely to increase in the future it is wise to provide at the outset sufficient land for future road widening. The road in the first instance can be constructed of sufficient width to accommodate present traffic, and afterwards adjusted, should need arise, to meet the demands of future traffic. This is a more equitable arrangement than to require the provision of a road too wide for present purposes, and puts a fair share of the cost of road-making on the future users of the road. The principle here advocated has received Parliamentary sanction in the case of the Liverpool Corporation Act, 1908. (See Sec. 17, Appendix D.)

The planting of trees in roads is frequently advocated and practised on grounds of amenity and picturesqueness, and whilst smaller varieties, such as the wild pear, cherry, laburnum or others can without damage be planted in the margin, varieties of a larger growth should be placed in or behind the fences, otherwise the road suffers from shade and damp and difficulties of much practical importance arise in connexion with the lighting of the road. Efforts made to obviate such disadvantages usually lead to the trees being cut back to such an extent as to destroy all their natural beauty, and in that case it will be agreed that it were better they were never planted at all.

In a similar way grass margins have been advocated and used, but not always with satisfactory results. In localities where the traffic is heavy it will probably be found that such margins are better placed between the footpath and the fences than between the footpath and the road. There is a surer way of producing a really pleasant street if householders will co-operate for the purpose. The usual arrangements whereby each house has its own little front garden jealously guarded with fences of varying kinds, some wood, some brick, some shrubs, some tidy, others the reverse, is one of the most uninspiring sights in our suburban roads. Is there no possibility of seeing the whole of these front patches treated as one garden separated from the roadway and footpaths by some light and low fencing such as posts and chains and the real fences set back on the building line so as to keep the gardens at the sides and rear of the dwelling-houses private and secluded? Such an arrangement would do much to secure that oneness as a whole which has been so

conspicuously lacking in most modern efforts in up-to-date development. The pursuit of oneness as a unit and the complete disregard of the natural characteristics of the locality and of the architectural work already done in the neighbourhood or on immediately adjoining property has caused many opportunities of securing amenity and architectural beauty to be irretrievably lost.

As regards the construction of new streets the following provisions of the Model Bye-laws indicate the points to which attention must be given.

“Every person who shall construct for use as a carriage road a new street intended to form the principal approach or means of access to any building shall comply with the following requirements.”

“He shall construct the surface of the carriage-way of such street so as to curve or fall from the centre or crown of such carriage-way to the channels at the sides thereof; the height of the crown of such carriage-way above the level of the side channels being calculated at the rate of not less than $\frac{3}{8}$ of an inch and not more than $\frac{3}{4}$ of an inch for every foot of the width of such carriage-way.”

“He shall construct each footway in such street so as to slope or fall towards the kerb or outer edge at the rate of $\frac{1}{2}$ of an inch in every foot of width if the footpath be not paved, flagged or asphalted, and at the rate of not less than $\frac{1}{4}$ of an inch and not more than $\frac{1}{2}$ of an inch in every foot of width if the footway be paved, flagged or asphalted.”

“He shall construct each footway in such street so that the height of the kerb or outer edge of such footway above the channel of the carriage-way (except in the case of crossings paved or otherwise formed for the use of foot passengers) shall be not less than 3 inches at the highest part of such channel and not more than 7 inches at the lowest part of such channel.”

For purposes of comparison the reader's attention is again directed to the provisions of the Hampstead Garden Suburb Act on this subject. The surveyor to the local authority concerned in the preparation or adoption of the scheme will be well versed in the requirements necessary in the construction of roads suitable to the district with which he has to deal.

CHAPTER VII

Sewerage—Drainage—Sewage Disposal—Lighting—Water Supply

It appears convenient to treat of these matters together and it should be recognized that, owing to the fact that the provisions of the scheme can only apply to the area included in the scheme, and that only lands of a certain character as already explained can be the subject of schemes, it will not as a rule be possible to work out and lay down main drainage schemes or general lighting and water undertakings within the limits of a town-planning scheme.

Attention should be directed to ensuring that the arrangements proposed in the scheme with reference to these matters and affecting the land included in the scheme are such as will best fit in with the arrangements existing or probable as regards main drainage lighting and water supply in the locality and neighbourhood generally.

Information will therefore be required as to the arrangements in operation in the area of the local authority proposing the scheme in regard to these matters and in regard to the area of any other local authority in which any part of the land included in the scheme is comprised. The lines of any existing sewers or existing pipes or mains for the supply of water, gas or electricity within the area included in the scheme must be ascertained and their position defined in maps. It can then be decided to what extent the provision already made would be available or would require extension, alteration or modification and provisions should be inserted accordingly specifying the work to be done, by whom, and at whose expense. If any company, whether statutory or otherwise, is supplying, or has power to supply, water, gas or electricity in the area included in the scheme or any part of it the facts should be ascertained and particulars given to the Board in regard thereto. Every effort should be made to secure the acquiescence and approval of any such company in the provisions of the scheme so far as they affect the matters with which such companies are concerned.

The proposals as to the lines of sewers or of pipes or mains for the supply of water, gas or electricity which it is anticipated will be necessary for the service of the area included in the scheme must then be thought out, and the Board will require to be supplied with information to show whether the scheme admits of satisfactory provision being made in this respect.

Provisions should be inserted defining the "responsible" authority as regards any such works and if such powers are not already in existence for conferring upon it the necessary powers and defining if necessary the time within which the work is to be done.

The Board have in the past usually refused to sanction any bye-laws relating to the sewerage of new streets and consequently it will usually be found that there are no bye-laws in operation in the area proposed to be included in the scheme on this matter and that the powers under the Public Health Act or any statutory modification thereof are relied on. In some cases, however, a bye-law has been sanctioned to the following effect :—" Every person who shall construct a sewer for the sewerage of a new street shall lay the same at such depth and inclination as shall effectually serve for the houses or buildings with which it is or shall be connected and as shall form the best practicable continuous gradient along the entire length of such sewer to the point of discharge and shall construct such sewer in a good and workmanlike manner and in such form and of such size and materials and with such manholes, junctions and appurtenances as shall be necessary having regard to the use or intended or probable use of such sewer" and where not already in force it may be considered advisable to insert some such provision in the scheme. The importance of securing suitable gradients in the laying out of new roads will be evident when considered in connexion with the provision of proper sewerage.

It will be ultimately necessary to prepare and transmit to the Board a complete list and a copy of all local acts, provisional orders, bye-laws, and regulations in force in the area of any local authority any part of whose district is included in the scheme. It is evident that the provisions of the scheme as regards the matters now being dealt with can be prepared only with full knowledge of the contents of all such acts, etc.

CHAPTER VIII

Existing Buildings—Demolition or Alteration—Space about Buildings—Space Provided by Roads and Open Spaces, Public and Private—Internal and External Angles—Limitation of Number of Buildings or Tenements—Height of Buildings—Classification of Buildings—Buildings of Special Character—Exclusion—Assignment of Special Areas

It is probable that no part of the scheme will present greater difficulties or give rise to so many differences of opinion or more numerous claims for compensation than the provisions it may be desirable to make on the above subjects.

The first thing to do is to ascertain and show in the appropriate maps the positions of any buildings which have been erected on the land included in the scheme and of any buildings which are in course of erection. The proposals decided upon in relation to the matters dealt with in the three preceding chapters and in this chapter will decide what demolition or alteration of such buildings is necessary for carrying the scheme into effect, and the Act expressly authorizes the insertion in the scheme of provisions defining the demolition or alteration required. As soon as it is clear what demolition or alteration is required an effort should be made to arrive at a provisional agreement with the persons interested in the property; but should this unfortunately prove impossible then the responsible authority should be empowered by the scheme to do what is necessary. These powers will of course be exercisable only subject to the provisions of the Act as regards compensation or compulsory purchase.

As regards buildings which may be erected in the course of the development under the scheme, it is of the utmost importance to secure more space than is prescribed by the bye-laws now generally in force. These permit houses to the number of about fifty to the acre to be crowded together on the land if the method

of planning be sufficiently ingenious. The scheme should contain provisions designed to control the maximum proportion of a site which may be covered and the minimum ground which may be allotted to each building, but it is very difficult to say how this can best be done. As instances it may be mentioned that in the case of the Hampstead Garden Suburb their Act provides that there shall not be built in the Suburb on the average throughout a greater proportion of houses to the acre than eight and some such provision might be all that is necessary in the case of a scheme dealing with land in one ownership or belonging to a small number of different owners or suitable throughout for one class of building. But when part of the area is residential, part trading and part manufacturing, it is obvious that the provisions must be differentiated in accordance with the varying circumstances of the land to be dealt with. The method adopted at the Letchworth Garden City is proving satisfactory in operation, and is as follows :—

Dwelling-houses costing less than £200 may not exceed 12 to the acre.

Dwelling-houses costing £200 but not more than £300 must not exceed 10 to the acre.

Dwelling-houses costing £300 but not more than £350 must not exceed 8 to the acre.

Dwelling-houses costing £350 but not more than £500 must not exceed 6 to the acre ; and

Dwelling-houses costing £500 or more must not exceed 4 to the acre.

In the case of dwelling-houses not more than one-sixth of the site may be covered with buildings ; in the case of shops and warehouses not more than one-third of the site may be covered ; in the case of corner sites one half of the site may be covered if the building is a shop or other building used for business purposes.

The measurements should be exclusive of public open spaces and roads ; but gardens or private spaces enjoyed in common, such as tennis courts, bowling greens, playing grounds, etc., if immediately adjacent to any group of houses may be included in the area for determining the maximum number allowed.

Some relaxation may be found useful from an architectural point of view in the case of corner sites to allow of a continuous group of buildings turning an internal or external angle.

From the designer's point of view such an angle is precisely the place where he may want a solid mass of building for the purpose of forming an enclosed or partly enclosed quadrangle or closing the street picture. If the space needed for light and health is provided it matters little to whom it belongs or its precise form or position in relation to the buildings.

When the number of buildings to be erected has been limited by some satisfactory method it will still be necessary to ensure that overcrowding shall not take place by the construction of the permitted buildings as tenement dwellings, and if the bye-laws in force on the subject are not sufficient provisions should be inserted limiting the number of tenements into which each building may be divided or further restricting the number of buildings if divided into tenements.

The height of buildings is only indirectly controlled by the provisions of the Model Bye-laws. They require space to be provided exclusively belonging to the building according to its height but do not otherwise affect the question, and may be quite inadequate to properly safeguard the amenity of the area to be dealt with. If so and if the special circumstances of the area render it desirable provisions may be inserted prescribing the height of buildings but care must be taken not to make such provisions unnecessarily stringent or they will either be totally disallowed by the Board or sanctioned subject to the payment of compensation. Provisions on this subject would be considered reasonable by the Board in so far as they were necessary to secure the proper lighting and air space in streets, the preservation of views from other buildings or roads, or the amenity of the area included in the scheme or any part thereof.

The Model Bye-laws classify buildings according to their special characters as follows :—The expression “public building” means a building used or constructed or adapted to be used as a church, chapel or other place of public worship or as a hospital, workhouse, college, school, (not merely a dwelling-house so used), theatre, public hall, public concert room, public ball room, public lecture room or public exhibition room or as a public place of assembly : “building of the warehouse class” means a warehouse, factory, manufactory, brewery or distillery : “domestic building” means a dwelling-house or an office building, or other outbuilding appurtenant to a dwelling-house whether attached thereto or not or a shop or any other building not being a public building or of the warehouse

class: "dwelling-house" means a building used or constructed or adapted to be used wholly or principally for human habitation. Provisions may in proper cases be included in the scheme prescribing the areas to be set aside and allotted for the erection of buildings of any of the above classes (specifying them), and it is clear that by allocating the whole area included in the scheme in portions to specified types of buildings other classes of buildings might be excluded altogether. In this way or by an express provision in the scheme it would be possible to exclude certain offensive trades, erections or buildings such as soap-boiling, abattoirs, fried fish shops, bill-posting stations, and the like. Where possible buildings of the warehouse class would naturally be allotted to areas near the railway or waterway; preferably hidden from the residential areas by a belt of trees or placed on the further side of a sheltering rise as at Letchworth Garden City.

Very careful consideration should be given at the inception of the scheme to ascertain what public buildings are likely to be required and to those which are usually characterized by good architectural treatment, special sites should be assigned in such a manner as to form architectural bases for the scheme or to close the vista of some main street or they may be grouped so as to form the centre of the public or civic life of the locality.

It may also prove desirable to draw a distinction between "domestic buildings" and "dwelling-houses" and to set aside areas for each category. This would have the effect of creating recognised shopping and business and residential areas and so complete the convenience and amenity of the whole scheme.

These few suggestions may prove helpful, but the special circumstances of each case should be the study of those whose interests are involved, and out of the very artificial restrictions which may be made and the natural restrictions of the area, the new or altered town, new suburb or altered suburb, will evolve its own individuality both architecturally and in civic life.

CHAPTER IX

Existing Public Open Spaces—Commons—Town Greens— Recreation Grounds—Allotments—How Safeguarded— Powers of Highway Authority—Existing Private Open Spaces—Transfer to Local Authority—Open Spaces to be Provided by Scheme—Finance Act, 1910

It is now generally recognised that one of the most important things to be done in the interest of the present and future generations is to secure adequate open spaces where vegetation can flourish and purify the air for human beings to breathe. Of recent years the subject has frequently engaged the attention of Parliament and it is interesting to note the change in the public point of view as reflected in the legislation of last century.

Until the middle of that century the efforts of the public and of Parliament were mainly directed to the abolition of any rights of common which might interfere with the free and unfettered cultivation and improvement of the soil or hinder improved methods of agriculture. A long and complicated series of Inclosure Acts was passed until eventually every category of land subject to any rights of common inconsistent with ownership in severalty, were swept into the net and became subject to enclosure.

Not only were commons and waste lands in the ordinary sense included but all lands subject to any rights of common whatsoever and whether such rights were to be exercised or enjoyed at all times or might be exercised or enjoyed only during limited times . . . all gated and stinted pastures in which the property of the soil or of some part thereof was in the owners of the cattle gates or other gates or stints or any of them . . . all gated and stinted pastures in which no part of the property of the soil was in the owners of the cattle gates or stints or any of them . . . all land held occupied or used in common either at all times or during any

time or season or periodically and either for all purposes or any limited purpose and whether the separate parcels of the several owners of the soil were or were not known by metes or bounds or otherwise distinguishable . . . all land in which the property or right of or to the vesture or herbage or any part thereof during the whole or any part of the year or the property or the right of or to the wood or underwood growing or to grow thereon was separated from the property of the soil . . . and all lot meadows and other lands the occupation or enjoyment of the separate lots or parcels of which was subject to interchange among the respective owners in any known course of rotation or otherwise.

The only exceptions were town and village greens, the enclosure of which was prohibited, and the New Forest and the Forest of Dean. The change of opinion to which we have referred led to the requirements for carrying through an enclosure being made increasingly stringent and now the lands which are subject to enclosure can only be enclosed upon obtaining a provisional order of the Board of Agriculture who must certify to Parliament the expediency of the proposals and whose order must in every case be confirmed by Parliament. Moreover, about the middle of last century the idea of regulation, as opposed to enclosure, began to take the ascendant and in 1876 the Commons Act was passed providing a method under which, while the common remains in its natural state, the rights of the Commoners and of the Lord of the Manor can be ascertained and put under proper regulation, the common itself improved, and bye-laws made for its management and good government.

The Inclosure Acts provided for the allocation and setting out of certain portions of land for the purposes of recreation when the waste of any manor was being inclosed and of allotments or field gardens or fuel allotments for the labouring poor, but with the exception of the town and village greens already mentioned and the recreation grounds so set out (all of which were provided for the benefit of the inhabitants of particular areas only) we find no public provision of open spaces as now understood prior to the passing of the Public Health Act 1875. By virtue of that Act and the statutes amending it all local authorities clothed with urban powers can purchase or rent lands and lay them out as pleasure grounds and places of public resort or recreation. Moreover, lands which by private enterprise or otherwise have already

been laid out as gardens or devoted to purposes of recreation or which are lying waste and unoccupied and disused burial grounds may now be dealt with under the Open Spaces Act, 1906, provided there are no buildings on the land or not more than one-twentieth part is covered with buildings. Trustees and owners of such lands are empowered to transfer them to the local authority and the local authority is empowered to acquire them voluntarily by purchase, lease or gift, but so that the public shall in either case have the perpetual use of the space for exercise and recreation.

There was some danger that the public rights in commons and open spaces already in existence might be jeopardized by schemes prepared under the Act and to meet this the Act provides that where any scheme authorises the acquisition or appropriation to any other purpose of any land forming part of any common, open space or allotment the scheme shall in that respect be provisional only and shall not have effect unless and until it is confirmed by Parliament except where the scheme provides for giving in exchange for such land other land not being less in area and which is certified by the Board after consultation with the Board of Agriculture to be equally advantageous to the persons (if any) entitled to commonable or other rights and to the public.

Before giving any such certificate the Board are to give public notice of the proposed change and afford opportunities to all persons interested to make representations and objections in relation thereto and if necessary hold a local inquiry on the subject.

Where any scheme authorises such an exchange the scheme must provide for vesting the land given in exchange in the persons in whom the common or open space was vested subject to the same rights, trusts and incidents as attached to the common or open space and for discharging the part of the common, open space or allotment acquired or appropriated from all rights, trusts and incidents to which it was previously subject.

In this connexion the expression "Common" is to include any land subject to be inclosed under the Inclosure Acts and any town or village green; the expression "open space" means any land laid out as a public garden or used for the purposes of public recreation and any disused burial ground and the expression "allotment" means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act. It is thought that the foregoing provisions will be sufficient in all cases to protect the

interests of the public in any existing commons and open spaces from being in any way trenchd upon by town-planning schemes,

Commons are sometimes subject to the power of the highway authorities under the Highway Acts to search for, dig, get and carry away gravel, sandstone or other materials for the purpose of repairing the public highways, a power which has not in all cases been exercised with due regard to the amenity of the neighbourhood or the preservation of objects of natural beauty. In the case of regulated commons the power can now only be exercised with the consent of the District Council, but in cases where the common has not been regulated it might well be considered whether provisions ought not to be inserted in the scheme prescribing such conditions as to the mode of working and restitution of the surface as may be calculated to safeguard these important public interests.

In addition to commons and public open spaces falling within the above definitions there may be other open spaces in the ordinary meaning of the term lying within the area included in the scheme such as lands vested in private owners or trustees and held upon trust for purposes of limited public exercise or recreation or as places of recreation for the owners or occupiers of particular houses round or near the space or rated for its maintenance, and it may be found desirable to deal with any such spaces in the scheme either by providing that the owners and trustees shall for ever keep them unbuilt upon or by providing for their transfer to the local authority. With this object in view provisions may be inserted for putting into operation with suitable modifications and adaptations the appropriate provisions of the Open Spaces Act, 1906, and for supplementing that Act where necessary. Such provisions might provide for the acquisition of such lands by the local authority in pursuance of agreements with the owners, trustees and persons interested or by gift or by compulsory acquisition in manner to be hereafter explained. When acquired the space will be held by the local authority upon trust for the perpetual use thereof by the public for exercise and recreation. It should be borne in mind that any such lands would not be open spaces which might be dealt with under the Open Spaces Act, if more than one-twentieth part were covered with buildings, and cases might arise in which it was advisable to modify the provisions of that Act in this respect.

Consideration will then be required of the areas to be allocated

by the scheme for the provision of new open spaces, public and private. If the allocation is carefully thought out and well planned it will be found possible in connexion with the provision of open spaces to preserve many objects of historical interest or natural beauty as part of such spaces, and so render them accessible to the public for all time. Certain objects of historical interest or natural beauty such as ancient buildings, clumps and belts of trees, streams and water falls, ponds and pools can often only be preserved in this way and in such cases it will pay the ratepayers to acquire land for open spaces at a greater cost than is usually paid for land for such purposes. Where, however, there is no such twofold benefit to secure it is desirable to provide open spaces on secluded land away from the main thoroughfares not only for the sake of the vegetation but also on the ground that such back lands are much less valuable for building purposes than land fronting on the main arteries of traffic and owing to their seclusion are more suitable for children and for exercise and recreation. Neither the interests nor the peculiar dangers of childhood should be overlooked in making these provisions. To move the children's playgrounds from the courts, alleys and open streets to however small a plot of greensward will result not only in the increase of health and happiness but in the avoidance of many an accident attendant upon modern methods of traffic and locomotion.

For the provision of public open spaces, parks, pleasure or recreation grounds the scheme may contain clauses enabling the local authority to acquire the necessary lands either by gift or by agreement on voluntary sale or by compulsion in manner hereafter explained, but as regards the provision of private open spaces it is thought that much may be accomplished by agreement with owners through the power of suspension of the local bye-laws as regards road construction and the air space about buildings; it being obvious that if the owners are willing to provide private open spaces in a manner and to an extent satisfactory to the local authority the local authority will be in a position without detriment to the public to make reciprocal concessions as regards such of the provisions of the bye-laws in force in their area as have been designed to secure in bye-law fashion the adequate provision of air space. The provisions of sec. 14 of the Liverpool Corporation Act, 1908, are most interesting in this connexion, and supply a model which will be found most useful for adaptation to the circumstances of many a town-planning scheme.

When the open spaces, public and private, to be provided under the scheme have been decided upon the areas will have to be defined and specified on the maps accompanying the scheme and the bye-laws (if any) in force in the area included in the scheme relating to the control and management of open spaces will require to be carefully considered and provisions made for suspending or supplementing them should any alteration appear necessary or desirable. A point of interest which will not be overlooked is that for the purposes of the duties on land values imposed by the Finance (1909-10) Act, 1910, an allowance will be made in respect of the value directly attributable to the appropriation of any land or to the gift of any land by any person interested in the land for the purpose of streets, roads, paths, squares, gardens, or other open spaces for the use of the public.

CHAPTER X

Preservation of Objects of Historical Interest or Natural Beauty—Ancient Monuments—Representations by Architectural or Archaeological Societies—Plan of Development should be Subordinated, where Practicable, to the Preservation of Natural Beauty.

THE Procedure Regulations require information to be supplied to the Board by the local authority applying for authority to prepare or adopt a scheme, as to any monuments or ancient monuments within the meaning of the Ancient Monuments Protection Acts, 1882 to 1900, situate within the area included in the scheme and as to the manner in which they would be affected, and provide for the hearing of objections and representations by persons representing architectural or archaeological societies or otherwise interested in the amenity of the proposed scheme.

By the Ancient Monuments Protection Act, 1900, the word "monument" is defined to mean "any structure, erection or monument of historic or architectural interest or any remains thereof" and in the Act of 1882 "ancient monument" means the monuments scheduled in that Act and any other monument of a like character the guardianship of which the Commissioners of Works at the request of the owners may consent to undertake including the site of such monument and such portion of land adjoining it as may be required to fence, cover in, or otherwise preserve it from injury and the means of access thereto; and it is clear that any such monument might be directly affected by a proposal in the scheme or indirectly by any interference with the means of access to or view of it.

Monuments which have been vested in the Commissioners of Works or County Council or of which the Guardianship has been undertaken by those bodies or either of them will be amply protected and preserved under the provisions of those Acts which in return for the preservation and maintenance of them wholly or partly at the

public expense require that the public shall have access to them at such times and in such manner as the Commissioners or Council may prescribe.

The Acts can be made to apply to any monument the preservation of which is in the opinion of the Commissioners of Works a matter of public interest by reason of the historic traditional or artistic interest attaching to it and it may be found desirable to provide in the scheme for the putting into force of the provisions of the Ancient Monuments Protection Acts as regards any monuments within the area included in the scheme in reference to which such action has not already been taken.

Suggestions have already been made in treating of the subject of open spaces as to the inclusion where possible of the site of any object of historical interest or natural beauty within the area allocated for such spaces, but if this is done it will be more than ever necessary to go further and provide in the scheme either by means of the powers under the Ancient Monuments Protection Acts or otherwise for the preservation and maintenance of any such object. The architectural value of all objects of natural beauty as supplying bases for the laying out of the area to the best advantage will not be overlooked. It is by careful attention to such matters that the locality will preserve its interest and individuality of character.

It is thought that the preservation of objects of natural beauty will be held to include wherever practicable the preservation of trees, hedges, streams, waterfalls, pools, ponds, and other natural features which contribute to the beauty of the neighbourhood and it is to be hoped that no scheme will be sanctioned which does not make all provision possible to that end including where necessary the deflection of street lines, the appropriate arrangement of buildings and gardens and prohibiting the erection of buildings of such a height or of such a character as would unreasonably disfigure the district or spoil the views.

CHAPTER XI

Ancillary and Consequential Works—Removal, Alteration, or Demolition of any Obstructive Work—Extinction or Variation of Private Rights of Way or other Easements—Agreement, Compensation, or Compulsory Purchase—Time for and Notices

WORKS which are necessitated by and consequential upon the proposals made in regard to the matters already dealt with, or are ancillary to the works prescribed to be done in connexion with such proposals, may now be considered and dealt with. They will obviously be special to each scheme.

It has already been mentioned in dealing with buildings, structures and erections that the scheme may include provisions prescribing the demolition or alteration of any buildings at the inception of the scheme standing or in course of construction upon the land brought into the scheme, so far as may be necessary for carrying the scheme into effect. The required demolition or alteration will have to be done at the expense of the responsible authority, and can be effected either by agreement with the owners and other persons interested in the building or under the compensation clauses of the Act, or by putting in operation the powers of the Act as regards compulsory purchase. Provisions relating to the disposal after demolition or alteration of such part of the property acquired as is not required for the other purposes of the scheme will be dealt with in a subsequent chapter.

The extinction or variation of private rights of way or other easements may also be necessary for carrying the scheme into effect. The scheme can only deal with such matters so far as they consist of rights over the land or some part of the land comprised in the area included in the scheme, but it seems the enjoyment of the right or easement may be appurtenant to property not included in the scheme. Such rights usually consist of rights of way, of

watercourse and use of water, of access and use of light, and similar rights, liberties, privileges and advantages. Knowledge of the existence of such rights may not in all cases be easily obtained, but wherever any such rights are in any way affected by a proposed scheme notice will no doubt soon reach the promoters in the form of objections to the scheme on the part of the persons claiming the rights. When ascertained it will be necessary to carefully consider how far the extinction or variation of such rights is required to effect the objects of the scheme, and to prescribe provisions dealing with the subject, specifying the details where possible in maps. Agreements should be come to if possible with the owners of the easement, but if the matter cannot be so arranged, resort must either be had to arbitration under the clauses of the Act relating to compensation or to compulsory acquisition in manner hereinafter explained. It will be found on referring to the chapter dealing with the compulsory acquisition of land that the expression "land" includes any "right over land," and consequently any of the rights of way or easements referred to.

It will not in all cases be necessary that the provisions of the scheme as to the removal, alteration or demolition of existing buildings, or the extinction or variation of private rights of way and other easements, should be carried out at once after approval has been given to the scheme. This might involve needless expense when the development contemplated by the scheme did not take place immediately. It would be better to provide in the scheme that such provisions may be put in force by the responsible authority within a reasonable time (specifying it) after notice given by the responsible authority of its intention so to do.

CHAPTER XII

Suspension of Statutory Enactments—Laying Draft Scheme before Parliament—Application with the Necessary Modifications and Adaptations of Statutory Enactments—Suspension of Bye-laws, Regulations, and other Provisions

REFERENCE has already been made to the proviso contained in the Act which says that if the scheme contains any provisions suspending an enactment contained in a public general Act, it will only come into force after the draft has been laid before each House of Parliament for forty days during the Session of Parliament, and it will be a question of much nicety as to how far any particular enactment can be modified or adapted to meet the special requirements of the scheme without opening the door to the allegation that the enactment is thereby in effect suspended. Only time and experience will show town planners what modifications and adaptations the Board would consider legitimate, and in any case of doubt or difficulty the guidance of the Board's experts should be sought. It is believed that it will in practice be found difficult to avoid suspending some provision contained in one or other of the public general statutes, and if there are sufficient and proper reasons for the suspension, there is no need to be fearful of doing so, and no real object of the scheme should be sacrificed in order to avoid the requirements of the proviso. This is especially so in view of the further proviso of the Act, which has also already been mentioned, and which enables any person objecting to the Order of the Board approving the scheme to cause the draft order to be laid before each House of Parliament for thirty days during the Session of Parliament, with similar results as regards the scheme should either House of Parliament object to it.

On the other hand provisions applying the appropriate statutory enactments—with such modifications and adaptations as may

be found necessary—to the provisions of the scheme will, if carefully done, be found extremely useful in completing the details of the scheme and in carrying the scheme into effect. It need hardly be said that such legislation by reference will require to be very carefully drafted. Thus sections 82 and 93 of the Highway Act, 1835, will be useful in connexion with proposals as to the widening of existing highways, sections 84 to 93 of the same Act and section 44 of the Highway Act, 1862, in connexion with proposals as to their stopping up and diversion, and section 21 of the Highway Act, 1864, and section 24 of the Highways and Locomotives (Amendment) Act, 1878, as regards the revival of public liability to repair. Highways repairable *ratione tenuræ* can usually best be dealt with by agreement under the provisions of section 148 of the Public Health Act, 1875, or if not by agreement then under the provisions of section 62 of the Highway Act, 1835, as supplemented by section 35 of the Highway Act, 1862, and section 24 of the Highway Act, 1864.

It would, it is thought, be permissible to modify these enactments to such an extent as would render it unnecessary to obtain a view and order of the Justices certifying the expediency of the widening, stopping up or diversion (as the case may be) provided for in the scheme, or the consents required by those sections or any amendments thereof. If this were not so, a case might conceivably happen in which the Justices reported against a provision which had already been approved by the Board and had so become a provision in the scheme having the force of a local Act of Parliament.

New streets are subject to the provisions of the Public Health Acts or the adoptive Acts which may be substituted. It will be observed that those Acts were suspended in the case of the Hampstead Garden Suburb by their private Act, and considerably amplified and modified in the private Act of the Liverpool Corporation. In town-planning schemes amplification or modification will in many cases be found necessary, and as regards the bye-laws made in pursuance of the powers of those Acts there can be no doubt that very considerable alterations and suspensions will require to be made if the suggestions contained in the foregoing chapters and the general objects of town-planning schemes are to be carried out.

Reference has already been made to the provisions of the Open Spaces Act, 1906 (many of which will be found most suitable for

adaptation to the provisions of a scheme) and to the Commons Acts 1876 and 1899. Some of the provisions of the Ancient Monuments Protection Acts 1882-1900 will probably be found useful in connexion with the matters dealt with in Chapter X.

It will no doubt have been observed that the proviso as to laying the scheme before Parliament only applies to cases where an enactment contained in a Public General Act is suspended by a provision contained in the scheme. The provisions of local and private Acts, bye-laws, regulations, and other provisions under whatever authority made, may be freely suspended by the provisions of the scheme so far as may be necessary to enable the scheme to be carried into effect.

CHAPTER XIII

Gifts of Money or Property in Furtherance of the Scheme
—Acceptance by Responsible Authority or Local Authority and Administration thereof—Exemption from Statute of Mortmain—Dealing with or Disposal of Land acquired by the Responsible Authority or Local Authority—Application for Purposes of Scheme—Exchange—Sale—Land increased in Value by the Scheme—Recovery by Responsible Authority of Half the Increase—Charging the Amount upon the Inheritance of the Land—Limitation of Time for Operation of Scheme—Special Circumstances or Contingencies

CASES may not infrequently arise where owners or others interested for historical, archaeological or other reasons are willing to make gifts of money or property to the responsible authority or to some other local authority for the furtherance of the objects of the scheme, and whether any such gift is in prospect or not at the time of the preparation of the scheme, it will be well to insert provisions empowering the responsible authority, and any other local authority within whose area any part of the land included in the scheme is comprised, to accept such donations of land or money or other property, subject to such conditions, provisos and stipulations (if any) as the donors may see fit to make, but otherwise for the general purposes of the scheme, and to be used or disposed of, applied, exchanged, dealt with or sold, as the responsible authority or the local authority may think fit, and that it shall not be necessary to enrol any assurance with respect to any such property under the Mortmain and Charitable Uses Act, 1888.

The provisions of the Open Spaces Act, 1906, afford many useful suggestions as to the provisions it may be advisable to insert in the scheme in connexion with this subject, and offer precedents for provisions as to the regulation and administration of the money or

property given, and for empowering the responsible or local authority to make bye-laws for the purpose.

Not only can gifts of land in furtherance of the general objects of the scheme be accepted, but it will be found when the subject of the acquisition of land under the Act comes to be dealt with that any land comprised in the scheme may be purchased, either by agreement or compulsorily, for the purposes of the scheme by the local authority submitting the scheme, or by any other local authority, notwithstanding that the land is not immediately required.

The various purposes of the scheme in respect of which it may be found necessary to provide for the acquisition of land or rights over land have been indicated in the foregoing chapters, and the provisions made under those headings will no doubt prescribe the lands to be acquired and either expressly or inferentially determine the specific purpose for which the land is wanted. Provisions will be inserted defining those purposes and providing for the vesting of the land in the appropriate authority concerned, and detailing the rights, trusts and incidents to which the land is to be subject. In carrying the scheme into effect it may be found that the whole or some part of the land so acquired is not wanted for the purposes of the scheme, and provisions should be inserted empowering (but not making it obligatory upon) the responsible authority or the local authority concerned to sell or exchange such land accordingly. Precedents for such provisions will be found in sections 154 and 155 of the Metropolis Management Act, 1855, in section 60 of the Housing of the Working Classes Act, 1890, and section 32 of the Act itself, and a perusal of those sections will enable the draughtsman of the scheme to prepare provisions suitable to the circumstances of the particular case with which he has to deal, including the application of the proceeds of the sale to the repayment of moneys borrowed by the local authority for the purposes of the scheme.

The Act also provides for the partial recoupment of the expenditure of the local authority in connexion with the scheme by giving them a claim to half the amount by which any property is increased in value by the making of the scheme. Thus the Act says that where by the making of any town-planning scheme any property is increased in value, the responsible authority, if they make a claim for the purpose within the

time (if any) limited by the scheme (not being less than three months after the date when notice of the approval of the scheme is first published in the manner prescribed by regulations made by the Board ; see Step No. 9, Chap. XIX, *infra*), shall be entitled to recover from any person whose property is so increased in value one-half of the amount of that increase. Any question as to whether any property is increased in value within the meaning of the section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which the responsible authority are entitled to recover, shall be determined by the arbitration of a single arbitrator appointed by the Board, unless the parties agree on some other method of determination.

The Board express the opinion that, apart from exceptional cases, the question whether any property is increased in value within the meaning of the section will depend upon a comparison of the full value of the property immediately prior to and irrespective of the making of the scheme with the full value of the property immediately after the making of the scheme.

The amount when ascertained may (according to the provisions of the Act) be recovered summarily by the responsible authority as a civil debt, but where the amount is considerable, or where for any other reason it appears desirable so to do, provisions may be inserted in the scheme charging the amount upon the inheritance of the land the value of which is enhanced by the making of the scheme. The particular land affected, the sum which represents one-half of the increase, and the manner of payment having been decided either by agreement or by arbitration in manner already mentioned, the scheme may provide that the responsible authority shall have power to execute a charge under their seal upon the particular land for the sum as so ascertained, together with the expenses of the agreement or arbitration, by way of rent charge payable by such instalments of principal and interest as are by the agreement or by the award in the arbitration specified, and that the provisions of the Improvement of Land Act, 1864, sections 49-71, and of the Land Charges Act, 1888, with any necessary adaptations (specifying them), shall be applicable to the charge so created.

Lastly, the scheme may contain provisions prescribing a "limitation of time for operation of scheme" and for dealing with any special circumstances and contingencies for which adequate provision has not already been made. The words "limitation of time

for operation of scheme " appear to be ill-chosen and ambiguous. It is clear that many of the provisions of a scheme will come into operation from the moment that the scheme receives the approval of the Board ; for example, a provision limiting the number of houses which may be erected on any particular portion of the area. The words therefore cannot mean a limitation of the time at which a scheme is to come into operation. It seems equally impossible to imagine that they refer to the insertion of a date after which the scheme is to cease to operate for the method of revocation is expressly provided for in the Act, i.e., by the approval of a new scheme or by the order of the Board on a proper representation (see Chapter I). On the other hand, provisions limiting the time within which particular provisions of the scheme are to be complied with will in many cases be of essential value and importance.

CHAPTER XIV

Powers of Enforcing the Scheme—In Case of Contravention of the Scheme—Notices—Disputes to be Referred to the Board—Expenses of Innocent Parties Affected—In Case of Non-execution of Scheme—Notices and Expenses—Powers of Entry and Inspection—Co-operation by means of Conferences and Agreements in carrying Scheme into effect

THE question of the authority who are to be responsible for enforcing the observance of the scheme will already have been decided, and the authority so decided upon will be the responsible authority for the purposes of the powers of enforcement conferred by the Act as supplemented by the provisions of the scheme.

The Act provides that the responsible authority may at any time, after giving such notice as may be provided by the scheme and in accordance with the provisions of the scheme, remove, pull down or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with ; and any expenses incurred by a responsible authority in so doing may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the scheme.

If any question arises whether any building or work contravenes the scheme, or whether any provision of the scheme is not complied with in the erection or carrying out of any such building or work, that question shall be referred to the Board, and shall, unless the parties otherwise agree, be determined by the Board as arbitrators, and the decision of the Board shall be final and conclusive and binding on all persons.

If the Board are satisfied on any representation, after holding a local inquiry, that a responsible authority have failed to enforce effectively the observance of a scheme which has been confirmed or any provisions thereof, the Board may order that authority to do

all things necessary for enforcing the observance of the scheme or any provisions thereof effectively. Any such order of the Board may be enforced by mandamus.

Hitherto it has been the practice to endeavour to safeguard the amenity, convenience and character of estates developed for building purposes by means of building stipulations and regulations, and by requiring each purchaser and lessee to enter into covenants with the owners, and all persons deriving title from them, to observe and perform such stipulations and regulations, and this method will still be resorted to in dealing with matters outside the scope and purview of the Act, but for various reasons this method has proved to be extremely defective and inadequate. Such stipulations and regulations can only relate to the particular estate intended to be developed or in course of development by the individual owner, and any neighbouring land may afterwards be developed or may have been developed in the past on totally different and perhaps incompatible lines. Moreover, the enforcement of the covenants often presents serious legal difficulty. They can only be enforced by an injunction of the Chancery Division of the High Court, and in order to obtain an injunction it is necessary to prove "privity of contract" or that the covenant "runs with the land." Proof is also required of breach of covenant made or threatened and of damage sustained or apprehended. If the particular persons who may be in a position to enforce the covenant decline to incur the trouble and expense, then there is no power in any one to compel them to take action. In the result the stipulations and regulations are frequently set aside and ignored with impunity.

If adequate advantage is taken of the opportunity afforded by the passing of the Act, a great change will be effected in this regard. It is now for the first time recognised that enforcement may in the case of some of such provisions be a matter of public importance, and the power of enforcement is vested in a public authority with powers in default reserved to the Board. There will no longer be any doubt as to whose duty it is to act nor will that duty become obsolete by effluxion of time. The provisions of a scheme will apply to an area sufficiently large to render them really useful and effective for the purpose in view, and all obscure legal conundrums as to privity of contract or as to whether or no the covenants run with the land will disappear from the scene. Proof of damage will not be required nor will private individuals

be called upon to undertake the risks and expenses of a lawsuit for the public advantage. The only question which can arise will be whether a breach of the provisions of the scheme has in fact occurred, and that matter will be determined by the Board in the manner already stated.

It will be noticed that the powers can be exercised only after giving such notice as is provided by the scheme and in accordance with the provisions of the scheme, and consideration should therefore be given to the subject of these provisions.

It is thought that it will be found necessary to provide that notice be given to all persons (so far as they can be ascertained by the responsible authority) interested in the building or work, whether as owner, mortgagee, contractor, lessee, occupier, or otherwise, and that the notice should contain the following particulars :—

- (a) A statement of the building or work to which the notice refers ; how such building or work is alleged to contravene the scheme ; or in what respect a provision and what provision of the scheme is not complied with in the erection or carrying out of such building or work ; and the alteration, removal or demolition required in order to bring the building or work into consonance with the provisions of the scheme.
- (b) A statement of the time and place when and where the matter will be considered by the responsible authority, and that any person interested will then and there be entitled to be heard.

And that the time fixed by the notice for the consideration of the matter shall not be less than some reasonable period after the date of the notice.

If upon the appointment to consider the matter it appears that there is a difference of opinion as to whether the building or work in question contravenes the scheme, or has been erected or done in breach of a provision of the scheme, then that question must be referred to the Board as provided by the Act, and nothing further will be done until the decision of the Board has been announced. But in case there is no such dispute or in the event of the decision of the Board confirming the opinion of the responsible authority, the scheme should go on to empower the responsible authority to make an order requiring the work specified in the notice to be done and to serve such order on the persons in default, stating the

time after which the responsible authority will themselves proceed to do the work at the expense of the persons in default.

The scheme might provide that the time specified in the order should be such a reasonable time after the date of the order as will give the persons in default an opportunity to do the required work themselves, and that in default of their so doing the responsible authority should be entitled to enter upon the premises and to do the work, and in cases of removal or demolition sell the materials, and after deducting the expenses incident to the work pay over the balance of the moneys (if any) to the owners or other persons entitled thereto.

In the event of the expenses incurred by the responsible authority exceeding the proceeds (if any) of the sale of the materials, the scheme should authorize the responsible authority to make an order declaring the expenses incurred, and provide that if within a reasonable time after the service of such order on the persons in default the amount mentioned in the order be not paid, the responsible authority should be entitled to recover it summarily as a civil debt.

It might also be considered advisable to include provisions empowering the responsible authority by their order declaring such expenses to make the amount payable by instalments over a period of not exceeding five years, with interest in the meantime at a rate not exceeding 5 per cent per annum.

Provisions should likewise be inserted for dealing with occupiers and other persons interested not being the persons in default. Such provisions should empower the responsible authority to give any such person reasonable notice where necessary requiring them to quit, and to make them a reasonable allowance on account of the expenses of removal or on account of disturbance during the required alterations, all such allowances and expenses to be included as expenses incurred by the responsible authority under the Act and to be recoverable in manner already provided from the persons in default.

The Act also provides that the responsible authority may at any time after giving such notice as may be provided by the scheme, and in accordance with the provisions of the scheme, execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme, and that any expenses incurred by the authority in

so doing may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the scheme. If the Board are satisfied on any representation, after holding a local inquiry, that a responsible authority have failed to execute any works which under the scheme or the Act the authority is required to execute, the Board may order that authority to do all things necessary for executing any such works, and any such order of the Board may be enforced by mandamus.

The Board have pointed out that these powers only relate to works which the scheme expressly makes it the duty of some person to execute. They do not relate to works the duty to execute which is imposed otherwise than by the scheme or works which the scheme merely requires to be executed in a particular position or in a particular way if executed at all. Reference should be made to what has already been said in regard to building or works which contravene the scheme, but as regards the powers now being dealt with it will probably be found sufficient to provide that the notice shall be given to the person or persons in default, and shall specify the particular work to which it relates and the provision of the scheme under which such work is required to be done. The notice should also state that the responsible authority are of opinion that delay in the execution of the work would prejudice the efficient operation of the scheme, but it does not appear to be necessary (though it may be advisable) to give the grounds for that opinion, the authority being, it would seem, the sole judge of the matter. The notice should proceed to state the time (being a reasonable time) within which the authority consider the work should be executed, and that in default of the work being executed within that time the authority will itself proceed to execute the work at the expense of the persons in default.

The scheme should provide that the responsible authority shall after executing the work make an order declaring the expenses incurred and for service of that order on the persons in default, and that if within a reasonable time (to be stated in the order) after service the amount declared to be due be not paid, it shall be recoverable from the persons in default summarily as a civil debt, or otherwise defining the time and method of payment.

As the Regulations of the Board in relation to the carrying out of the scheme or enforcing the observance of the provisions thereof have not yet been issued, there is no indication at present as to what

further provisions the Board would sanction relating to carrying out or supplementing the provisions of the Act for enforcing schemes.

The scheme may, however, confer upon the responsible authority powers of entry and inspection, and such powers are of course essential to its proper execution and enforcement. The following provisions which follow with modifications the amended provisions of the Housing of the Working Classes Acts, 1890 to 1909, will, it is thought, be found useful.

Any person authorized in writing, stating the particular purpose or purposes for which the entry is authorized, by the responsible authority or the Local Government Board, may at all reasonable times, on giving twenty-four hours' notice to the occupier and to the owner, if the owner is known, of his intention, enter in or upon any land, house, premises or buildings—

- (a) For the purpose of survey or valuation in the case of land, houses, premises or buildings which the responsible authority are authorized to purchase compulsorily under the scheme.
- (b) For the purpose of survey or valuation when it appears to the authority or Board that survey or valuation is necessary in order to determine whether any property is injuriously affected or increased in value by the making of the scheme, or as to the amount of the sum which is to be paid as compensation under the Act or which the responsible authority is entitled to receive from a person where property is increased in value.
- (c) For the purpose of survey and examination where it appears to the authority or Board that survey or examination is necessary in order to determine whether any building or work contravenes the scheme or whether any provision of the scheme is not complied with in the erection or carrying out of any such building or work.
- (d) For the purpose of survey and examination where it appears to the Board that survey or examination is necessary in order to determine whether the responsible authority have failed to enforce effectively the observance of the scheme or any provisions thereof, or to execute any works which under the scheme or the Act the authority is required to execute.

It should be provided that any notice required to be given pur-

suant to the above provisions may be served in manner prescribed by article 30 of the Town Planning Procedure Regulations (England and Wales) 1910, as regards notices required to be served in pursuance of those Regulations.

The scheme may also provide for the co-operation of the responsible authority with the owners of land included in the scheme or other persons interested by means of conferences, etc., and for the making of agreements with owners and by owners with one another, in the process of carrying the scheme into effect. It is clear that questions relating to building lines, building areas, the precise position of buildings, the preservation or opening of pleasing views, the saving of trees and hedgerows, the planting of trees as screens or for ornamental purposes, the making of grass margins, the style and character of buildings and the materials to be used in their construction so as to produce architectural homogeneity and effect, and the preservation and upkeep of the amenities provided—in fact, all the thousand and one smaller details which together go to the adequate completion of a well-considered plan of development should be so dealt with. These are for the most part matters of give and take, mutual accommodation and consideration; and though they may be considered insignificant are of the utmost importance in securing a satisfactory result. The powers taken in the scheme to hold such conferences and to make such agreements and as to the matters which may be thereby dealt with, should be expressed in wide and comprehensive terms, so as to allow of the details of the scheme being filled in, and even in proper cases varied, by means of such conferences and the agreements come to. It will not, of course, be possible to vary or set aside at such conferences, or by means of such agreements, the essential provisions of the scheme, which will constitute as it were the framework to be clothed with the beauty of a harmonious and picturesque result. This will be attained only in measure as the persons interested co-operate zealously and whole-heartedly with the responsible authority and with one another to attain the object in view.

CHAPTER XV

Compensation—How Amount Ascertained—Limit of Time for Claim—Effect of Application for Authority to Prepare Scheme—Arbitration by Board in Case of Dispute—Compensation Excluded or Limited in Certain Cases—Importance of Obtaining Agreements

THE provisions of the Act as to compensation are of the highest importance and should be kept steadily in view at every stage of the proceedings.

The Act provides that any person whose property is injuriously affected by the making of a town-planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, be entitled to obtain compensation in respect thereof from the responsible authority.

With reference to the construction to be put upon this important provision, it should be noticed that it is not restricted to persons whose property is comprised within the area included in the scheme, but applies to any person whose property is injuriously affected by the making of the scheme. The Board express the opinion that no loss in value of the property affected which is not due solely to the making of the scheme can be taken into account, and apart from exceptional cases the loss in value will be ascertained by a comparison of the full value of the property immediately prior to and irrespective of the making of the scheme with the full value of the same property immediately after the making of the scheme. It should also be noted that unless some time is specified in the scheme within which claims for compensation are to be made there is no limitation of time for the making of such claims. The scheme should therefore in all cases limit the time for such claims, but the limit imposed will not be binding if it prescribes a time less than three months from the date when notice of the approval of the scheme is published in accordance with the Procedure Regulations of the Board.

The Act goes on to provide that no compensation shall be payable on account of any building erected on, or contract made or other thing done with respect to, land included in the scheme, after the time at which the application for authority to prepare the scheme was made, or after such other time as the Board may fix for the purpose. This proviso does not apply as respects any work done before the date of the approval of the scheme for the purpose of finishing a building begun or of carrying out a contract entered into before the application was made.

It will thus be seen that the date of the application for authority to prepare the scheme is of the utmost importance in connexion with the question of compensation, but it is doubtful whether that time is the best that could have been selected, and the Board have given no indication as to the cases or circumstances in or under which they would themselves fix some other time for the purpose. It may be that, in cases where the Board are satisfied that advantage has been taken by any person of a notice of an intention to apply for authority to prepare or adopt a scheme, to commence new works or enter into contracts in order to qualify for compensation, the Board will fix the date of the notice in lieu of the date of the application. Their power to do so would appear to be unquestionable and would possibly be exercised in a proper case. There is no provision for the possible case of an owner who, considering himself aggrieved by a proposal to put the powers of the Act into operation as regards his land, may wilfully commit damage or waste on his own property, e.g. by the cutting down of trees or the destruction of objects of historical interest or natural beauty. It is to be hoped that such action would be rare indeed, but nevertheless it would seem that some provision might have been included in the Act either disentitling an owner so acting from all compensation under any circumstances for any injury suffered by the making of the scheme, or giving the local authority concerned powers to move for and obtain an injunction against such owner whenever any such action is begun or threatened.

Any dispute as to whether any property is injuriously affected within the meaning of the Act, and as to the amount and manner of payment (whether by instalments or otherwise) of the moneys thereby becoming payable, is to be determined by the arbitration of a single arbitrator appointed by the Board unless the parties agree on some other method of determination ; and the sum agreed

or found by arbitration to be due may be recovered summarily as a civil debt.

Under certain circumstances specified in the Act the compensation which would otherwise be payable is excluded or limited in amount. Thus where property is alleged to be injuriously affected by reason of any provisions contained in a town-planning scheme no compensation is to be paid in respect thereof if and so far as the provisions are such as would have been enforceable if they had been contained in bye-laws made by the local authority. The criteria of the enforceability of a bye-law are as follows : it must not travel beyond the exact scope of the statutory enactment under which it is made ; it must be certain in its form and positive in the injunction it contains ; it must be general in its application, reasonable in its requirements, and in no way repugnant to the general law of the land. It is believed that all the provisions of the scheme must answer to the same criteria, and therefore the claim to compensation is only excluded by this proviso in cases where the particular provision of the scheme occasioning the injury deals with matters which might have been dealt with in like manner by bye-laws made by the local authority in pursuance of bye-law-making powers with which the local authority is already clothed.

Again, property is not to be deemed to be injuriously affected by reason of the making of any provisions inserted in a town-planning scheme, which with a view to securing the amenity of the area included in the scheme, or any part thereof, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Board consider reasonable for the purpose, having regard to the nature and situation of the land affected by the provisions.

Cases may easily arise in which the owners submitting a scheme for adoption, or the local authority in preparing a scheme, may desire to insert provisions in reference to these matters which the Board will be unable to consider reasonable. The Board would in approving the scheme make it clear how far they were able to regard the provisions as reasonable, and thereupon if the owners or the local authority agree to pay compensation in respect of the provisions in so far as they exceed what the Board considers reasonable, there will be no necessary difficulty in retaining the provisions in the scheme.

Lastly, when a person is entitled to compensation under the Act

in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other enactment, he is not to be entitled in respect of that matter or thing both under the Act and under the other enactment, and is not to be entitled to any greater compensation under the Act than he would be entitled to under the other enactment.

The Board consider it very desirable that the local authority should, before applying to the Board for authority to adopt a scheme, obtain from the owners submitting it definite information or undertakings on the question of any compensation which might become payable in respect of property injuriously affected by the scheme in the event of its becoming operative, whether in respect of property of the owners proposing the scheme, or of the property of any other person. In regard also to a scheme proposed to be prepared by a local authority, it appears to be a matter of the greatest importance that these provisions as to compensation should be carefully borne in mind from the earliest stage of the proceedings, and that, as in the case of the proposed adoption of a scheme, the local authority should endeavour to secure definite agreements with any person who may be affected by the proposals.

CHAPTER XVI

Purchase by the Responsible Authority of Land comprised in a Scheme—By Agreement—Compulsorily—Land which cannot be Acquired—Purchase by a Local Authority not being the Responsible Authority

THE responsible authority may for the purposes of a town-planning scheme purchase any land comprised in such scheme by agreement with the consent of, and subject to, any conditions imposed by the Board, notwithstanding that the land is not immediately required for those purposes. The responsible authority may for the same purposes be authorized to purchase any such land compulsorily by means of an order submitted to and confirmed by the Board in accordance with the provisions relating to land situate in an Urban District contained in the First Schedule to the Act including any provision authorizing the Board to give directions as to the payment and application of any purchase money or compensation. In relation to these powers the word "land" includes messuages, tenements and hereditaments, houses and buildings of any tenure, and rights over land.

The provisions with reference to land situate in an Urban District contained in the schedule are as follows :—

(1) Where a local authority propose to purchase land compulsorily under the Act, the local authority may submit to the Board an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(2) An order under this schedule shall be of no force unless and until it is confirmed by the Board, and the Board may confirm the order either without modification or subject to such modifications as they think fit, and an order when so confirmed shall, save as otherwise expressly provided by the schedule, become final and have effect as if enacted in the Act ; and the confirmation by the

Board shall be conclusive evidence that the requirements of the Act have been complied with, and that the order has been duly made and is within the powers of the Act.

(3) The order shall be in the prescribed form, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect, and of protecting the local authority and the persons interested in the land, and shall incorporate, subject to the necessary adaptations, the Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act, 1845) and sections 77 to 85 of the Railways Clauses Consolidation Act, 1845, but subject to this modification, that any question of disputed compensation shall be determined by a single arbitrator appointed by the Board, who shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those Acts with respect to arbitration shall, subject to the provisions of the schedule, apply accordingly.

(4) The order shall be published by the local authority in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired, and to the owners, lessees and occupiers of that land as may be prescribed

(5) If within the prescribed period no objection to the order has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the order; but if such an objection has been presented and has not been withdrawn, the Board shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the local authority and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow, shall be permitted to appear and be heard at the inquiry.

(6) The Board shall appoint an impartial person, not in the employment of any Government Department, to hold the inquiry as to whether the land proposed to be acquired is suitable for the purposes for which it is sought to be acquired, and whether, having regard to the extent or situation of the land and the purposes for which it is used, the land can be acquired without undue detriment to the persons interested therein or the owners of adjoining land, and such persons shall in England have for the purpose of the inquiry all the powers of an inspector of the Local Government Board, and if he reports that the land, or any part thereof, is not suitable for the

purposes for which it is sought to be acquired, or that owing to its extent or situation or the purpose for which it is used it cannot be acquired without such detriment as aforesaid, or that it ought not to be acquired except subject to the conditions specified in his report, then, if the Local Government Board confirm the order in respect of that land, or part thereof, or, as the case may require, confirm it otherwise than subject to such modifications as are required to give effect to the specified conditions, the order shall be provisional only, and shall not have effect unless confirmed by Parliament.

(7) In determining the amount of any disputed compensation under any such order no additional allowance shall be made on account of the purchase being compulsory.

(8) The arbitrator shall so far as practicable, in assessing compensation, act on his own knowledge and experience, but, subject as aforesaid, at an inquiry or arbitration held under this schedule the person holding the inquiry or arbitration shall hear, by themselves or their agents, any authorities or parties authorized to appear, and shall hear witnesses, but shall not, except in such cases as the Board otherwise direct, hear counsel or expert witnesses.

(9) The Board may, with the concurrence of the Lord Chancellor, make rules fixing a scale of costs to be applicable on an arbitration under the schedule, and an arbitrator under this schedule may, notwithstanding anything in the Lands Clauses Acts, determine the amount of costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily and any other costs which he considers to have been caused or incurred unnecessarily.

(10) The remuneration of an arbitrator appointed under this schedule shall be fixed by the Board.

(11) In construing for the purposes of the schedule, or any order made thereunder, any enactment incorporated with the order, the Act together with the order shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking.

(12) Where the land is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be

paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

(13) The expression "prescribed" means prescribed by the Board.

It is expressly provided that nothing in the Act shall authorize the acquisition for the purposes of the Act of any land which is the site of an ancient monument or other object of archæological interest, or the compulsory acquisition of any land which is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or which at the date of the order forms part of any park, garden, or pleasure ground, or is otherwise required for the amenity or convenience of any dwelling-house.

Among the provisions authorizing the Board to give directions as to the payment and application of any purchase money or compensation will be those (see Housing, Town Planning, etc., Act, 1909, sec. 5) which enable the Board to give directions as to the payment and application of any purchase money or compensation payable by a local authority in respect of any land, estate, or interest of another local authority which would otherwise have to be paid into Court.

Lastly, the Act provides that where land included within the area of a local authority is comprised in a town-planning scheme and the local authority are not the responsible authority the local authority may purchase or be authorized to purchase that land in the same manner as the responsible authority.

CHAPTER XVII

Expenses of the Local Authority—Inquiries by the Board —Determination of Matters by the Board—Application of the Act

ANY expenses incurred by a local authority under the Act or any scheme made thereunder can be defrayed as expenses of the authority under the Public Health Acts, and the authority may borrow for the purposes of the Act or any scheme made thereunder in the same manner and subject to the same provisions as they may borrow for the purposes of those Acts, but money borrowed for the purposes of the Act or any scheme made thereunder is not to be reckoned as part of the debt of the local authority in reference to the limitation on the authority's borrowing powers contained in the Public Health Acts.

Any expenses incurred by the London County Council are to be defrayed out of the general County rate, and any money may be borrowed by that Council in the same manner as money may be borrowed for general County purposes.

For the purposes of the execution of their duties under the Act the Board may cause such local inquiries to be held as they see fit, and the costs incurred in relation thereto, including the remuneration of any inspector or officer of, or person employed by, the Board (which is not now limited to three guineas a day), shall be paid by the local authorities and persons concerned in the inquiry, or by such of them and in such proportions as the Board may direct. The Board may certify the amount of such costs, and the sum so certified and directed to be paid shall be a debt to the Crown from the local authority or person concerned.

The Board's inspectors or officers, or the persons employed by them, shall for the purposes of the inquiry have, in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be

inspected, similar powers to those which Poor Law inspectors have under the Acts for the relief of the poor for the purposes of those acts, and will therefore have powers of entry and inspection of any lands, houses or hereditaments in regard to which any information is withheld from the local authority preparing the scheme, or in connexion with which any question has arisen in the course of such preparation which requires entry upon the premises and inspection for its elucidation.

When the Board are authorized by the Act or any scheme made thereunder to determine any matter, it is, except as otherwise expressly provided by the Act, at their option to determine the matter as arbitrators or otherwise.

It will be remembered that if in enforcing the scheme any question arises as to whether any building or work contravenes the scheme, or whether any provision of the scheme is not complied with in the erection or carrying out of any such building or work, that question is to be referred to the Board, and unless the parties otherwise agree, is to be determined by them as arbitrators.

In that case, and in other cases where the Board elect to determine a matter as arbitrators, the provisions of the Regulation of Railways Act, 1868, and the enactments amending those provisions are made applicable with appropriate modifications, and under those provisions the Board can appoint an arbitrator to act for them.

Questions as to whether any property has been injuriously affected or improved in value by the making of the scheme, and by what amount, and the manner of payment, are to be determined by a single arbitrator appointed by the Board unless the parties agree otherwise.

The Act is not an adoptive Act. It applies to England and Wales, and subject to certain formal modifications to Scotland, but does not extend to Ireland.

CHAPTER XVIII

Procedure Anterior to and for the Purpose of an Application for Authority to prepare or Adopt a Scheme

THE Board have issued Regulations under the Act entitled the Town-Planning Procedure Regulations (England and Wales), 1910.

These regulations do not extend to procedure in relation to the carrying out of the scheme or enforcing the observance of its provisions, nor to inquiries and reports as to the beginning and the progress and completion of the works and other action under the scheme, but cover in great detail all matters of procedure relating to the preparation of the scheme down to the final notice by advertisement of the scheme having been approved by the Board.

The Board state in their circular accompanying the Regulations that they are drawn so as to be of general application. They will extend on the one hand to schemes which relate to small areas or contain only proposals of a simple character and affecting few interests, and on the other hand to schemes which may deal with extensive areas and affect numerous ownerships and other interests and involve serious considerations of expense. It is probable that circumstances of particular cases will be such as to require or justify some relaxation or alteration of the Regulations in their application to the case, and the Board have, with a view to meeting any such case, included provisions (article 34) which will enable them to dispense with or vary any requirement of the Regulations where reasonable cause is shown. Such a case would undoubtedly arise where the whole of the land to be included in the scheme was in the area of one local authority and belonged to one owner. In that case much of the procedure would be superfluous, but in no case will the Board dispense with any of the provisions of the Regulations which are necessary to give effect to the requirements of the Act, nor will the Board so vary the provisions that they would cease to give effect to those requirements.

70 OBTAINING AUTHORITY TO PREPARE A SCHEME

In the absence of authority for departure from any provisions of the Regulations, great care should be taken to comply strictly with them, as any failure in this respect might involve considerable delay and expense, and in addition to the specific and detailed requirements of the Regulations the local authority concerned must prepare and furnish to the Board all such maps, plans, sections, elevations and specifications, and all such particulars or information as the Board may require to be prepared and furnished in connexion with any scheme or proposed scheme at any stage of the proceedings in relation thereto.

STEP NO. 1. PRELIMINARY AND PREPARATION OF MAP NO 1.

The importance of co-operation on the part of all local authorities, owners and others engaged or interested in the preparation of the scheme or affected thereby has already been dwelt upon, and the Regulations contain provisions for securing this co-operation by means of conferences during the proceedings and also require notices to be given at various stages to owners and other persons (including local authorities or companies) interested or affected, and facilities to be afforded to all such persons to place their views or objections before the local authority or, at a later stage, before the Board. Where owners of land about to be developed for building purposes contemplate the preparation of a scheme to be submitted for adoption by the local authority, many of the difficulties which would otherwise arise during the progress of preparing and carrying out the scheme can be obviated and the closest possible co-operation obtained by taking advantage, as a preliminary, of the machinery of the Companies (Consolidation) Act, 1908. The various owners, or some of them, may mutually agree to pool their interests for shares in a company with limited liability upon the basis of present value, the important point being not so much to ascertain the difficult question of the precise value of each holding as to arrange that the shares allotted in respect of each holding shall be proportionate to the value of the holding as compared to the value of the other holdings pooled. In that case any questions between the owners as to one owner's land being injuriously affected or another's improved by the making of the scheme would vanish as regards the property pooled, as every member of the Company would share proportionately in the loss or profit occasioned. Such an arrangement would also facilitate the

carrying of the scheme into effect. It would allow of open spaces being provided in any part of the property pooled in such places as might be most advantageous in the interests of the whole, and the expenses of preparing the scheme and the plan of development would be equitably distributed among the various owners without the need of any agreements or calculations. It will require but a short consideration to make evident the advantages to be obtained. A special Memorandum of Association suitable for such a company will be found in Appendix E. Meetings and conferences of owners of adjoining lands in course of, or ripe for, development should be arranged to discuss such matters, and if the requisite degree of agreement can be reached they should then (whether such a pooling Company can be agreed upon or not) consider and decide whether or not they will co-operate in the preparation of a town-planning scheme for adoption by the local authority and upon the area to be included in the scheme.

Local authorities who may have within their area land of the character to which the Act applies should (if they have not already done so) refer the consideration of the Act to a Town-Planning Committee of the Council with instructions to consider and report thereon to the Council. This Committee should be entrusted with a wide and general reference. It should be their function to acquaint themselves with the topography and natural advantages of the locality, the lines of communication by land and water both existing and prospective, the industries, commerce, and characteristic pursuits of the population, the density and housing conditions of the people, their present and anticipated requirements as regards education and recreation, the lines of growth and expansion, and any historical associations or archæological survivals, the memory of which it is desirable to perpetuate, or which are calculated to add to the interest and amenity of the neighbourhood. In particular they will require to acquaint themselves with the character of the development actually in progress and contemplated, and to decide whether that development is such as will enhance the amenity of the place or requires control and guidance. Without the knowledge acquired by such a general review it will be difficult for the local authority to properly co-ordinate schemes submitted for their adoption or prepare any really useful scheme themselves. Guided by the Committee's report, the Council will decide whether to

put the Act into operation, and if so, as to the area to be included in the scheme. Whether the Council is moved by a request received from owners to consider a proposal to apply for authority to adopt with or without modifications a scheme prepared by the owners, or whether the Council act upon the report of their own Sub-Committee, it will in either case be necessary that they pass a resolution to the effect that the requisite steps anterior to and for the purpose of an application for authority to prepare or adopt, with or without modifications, a scheme be taken.

Within seven days after they have passed any such resolution in reference to any area of land the local authority must serve notice of their decision upon any Council interested in the land, and in this connexion the following suggested form of notice may be found useful :—

FORM No. 1

Special Notice to Councils interested.

Housing, Town-Planning, etc., Act, 1909.

Part II.

*Article II of the Town-Planning Procedure Regulations
(England & Wales), 1910.*

*To the Clerk of the (Council interested).
(Address)*

Take notice

That the (description of local authority) have decided to consider a proposal for authority to prepare (or—adopt with or without modifications) a Town-planning Scheme in accordance with the provisions of Part II of the Housing, Town-Planning, etc., Act, 1909.

A map of the land proposed to be included in the Scheme, to be marked and known as Map No. 1, is being prepared and will shortly be deposited for inspection, and a notice accompanied by a certified copy of the said map will shortly be served upon you in accordance with the provisions of Article I of the Town-Planning Procedure Regulations (England & Wales), 1910.

It is anticipated that certain land comprised within the boundaries of your Borough District, viz: (short description of land) will be included in the scheme, and I shall be happy to afford you any further information in my power in reference to the proposal.

Dated this day of 19

(Signature of Clerk of Local Authority)

(Address of Local Authority)

The local authority should proceed immediately to prepare, or should obtain from the owners proposing to submit the scheme for adoption, a map of the land proposed to be included in the scheme. This map (to be marked and known as Map No. 1) shall be on the scale of 25·344 inches to the mile, and it will be well to here state the requirements of the Regulations as to maps generally and the comments of the Board thereon.

The maps required in pursuance of the Regulations shall be Ordnance Maps wherever such maps are published in respect of the district or area in relation to which the maps are required, shall be on a scale not less than that specified in each case, shall be mounted on linen and folded in book form, and shall have a scale properly drawn thereon.

Any person interested in or affected by any scheme or proposed scheme shall be entitled to a copy of, or extract from, any map or plan required in pursuance of the Regulations on payment of a reasonable fee, to be determined by the local authority, and shall be entitled to inspect at all reasonable times any map or plan referred to in the Order of the Board approving the scheme or in the scheme. Any fees received by the local authority shall be carried to the credit of the fund liable to be charged with the expenses of the local authority in connexion with the scheme.

Express provision is made (article 18) under which the maps prepared in accordance with articles 14 or 15 (see later) may be used for the purpose of article 18 and be marked as required by that article, but the Board state that such user would only be permissible if the maps required under the later article would be identical in every respect with those previously prepared for the purposes of articles

14 or 15. This provision has been inserted with the view of saving the expense of preparing further maps, and the Board would not offer any objection to a similar course being followed, subject to similar conditions, as regards the use of Map No. 1 (required by article 1 of the Regulations) in lieu of preparing a further map (Map No. 2) for the purpose of article 4. It should be clearly understood, however, that a map which has been prepared and deposited to meet specific requirements of an article of the Regulations should not be subsequently altered to meet the requirements of a subsequent article.

It was suggested to the Board that provision should be made in the Regulations for definite schemes of colouring being adopted in the preparation of the maps so as to provide for uniformity of practice in regard to the colouring of all maps relating to town-planning schemes. The Board have not regarded it as practicable to carry out this suggestion, but they think it would be desirable that, in preparing the maps required at the several stages of a scheme, the local authority should as far as possible follow the same scheme of colouring throughout all the maps, so that, e.g. if a particular colour is used to indicate some special feature on Map No. 1, the same colour should be used to indicate the same feature on any map at a later stage of the proceedings.

It will be necessary therefore (wherever such maps have been published) to obtain an Ordnance Map of the required scale mounted and folded in the prescribed manner and comprising the area proposed to be included in the scheme.

It will usually be found that the Ordnance Map when obtained is more or less out of date, and it will be necessary for the surveyor to the local authority, from the plans and information in his possession, to bring the map up to date as regards all matters usually shown on Ordnance Maps of that scale, or to afford facilities to enable the surveyor of the owners proposing to submit the scheme so to do. The area proposed to be included in the scheme will then be clearly shown and the plan marked Map No. 1 and deposited at a place convenient for the purposes of inspection, and be kept so deposited for a period not being less than one month from the date on which the latest of the notices next hereinafter mentioned is given. During that period the map is to be open for inspection by any person interested without payment of any fee at all reasonable hours on any week-day. The local authority are also to make suitable arrangements for affording

to any person inspecting the map any necessary explanation in regard thereto.

STEP NO. 2. NOTICES, OBJECTIONS AND CONFERENCES.

The next step will be to prepare and serve notice of the intention of the local authority to apply for authority to prepare or adopt a scheme as the case may be. The notice might be in the following suggested form :—

FORM No. 2.

Notice of intention to apply for authority to prepare or adopt a scheme.

Housing, Town-Planning, etc., Act, 1909.

Part II.

Article I of the Town-Planning Procedure Regulations (England and Wales), 1910.

To (name, usual or last known place of abode, and description where known).

Take notice that it is the intention of (description of local authority), upon a date not being less than two calendar months after service of this notice upon you, to make an application to the Local Government Board for authority to ^{prepare} adopt with or without modification, a town-planning scheme in accordance with the provisions of Part II of the Housing, Town-Planning, etc., Act, 1909.

The land proposed to be included in the scheme comprises (short description of the land proposed to be included in the scheme) and has been delineated and is shown upon a map marked and known as Map No. 1, which Map has been deposited at the offices of the Council (or other place convenient for the purpose as the case may be) situate (address), and may there be inspected by you, your solicitors or agents, without payment of any fee between the hours of in the forenoon and in the afternoon on any weekday within one calendar month after the date of this notice and provision has been made for affording to you, your

solicitors or agents, any necessary explanation in regard to the said map.

(If the notice is addressed to any member of Class I mentioned below, insert the following clause)

A copy of Map No. 1 or any extract therefrom can be obtained on application on payment of the prescribed fee.

(If the notice is addressed to a local authority included in Class II mentioned below, substitute for the last paragraph above)

A certified copy of Map No. 1 is sent herewith.

Any objection or representation you may desire to make with reference to the proposed scheme should be stated in writing and delivered or posted, addressed to the undersigned at the address mentioned below.

Dated this day of 19 .
 (Signature of Clerk to Local Authority).....
 (Address).....

This notice must be served upon the following persons, authorities and departments :—

Class I. The owners or reputed owners, lessees or reputed lessees and occupiers } of the land proposed to be included in the scheme.

Class II. The Council of any Borough or of any Urban or Rural District (accompanied by a copy of Map No. 1 certified to be a correct copy by the Clerk or Surveyor of the authority sending the notice). } within whose district any part of the land is comprised.

Class III. The County Council if any main road is or may be affected by the proposed scheme.

The Board of Agriculture and Fisheries at their office if in the proposed scheme there is any provision for the acquisition or appropriation to any other purpose of any land forming part of any common, open space, or allotment within the meaning of section 73 of the Act. (See Chapter IX.)

The Commissioners of Works if any land included in the scheme or proposed scheme is situate within the distance prescribed by Regulations made by the Board under section 74 of the Act from any of the Royal palaces or parks. (See Chapter III.)

The Board of Trade, and as regards light railways the Light Railways Commissioners, if any land is proposed to be included on which tramways or light railways are constructed or are authorized to be constructed.

The local authority shall from time to time after the service of the notice furnish all such information as the Board of Trade or Light Railway Commissioners may require in regard to the proposals so far as any tramways or light railways or an authorized route of any tramways or light railways may be affected.

Any notice required to be served in pursuance of the Regulations can be served—

- (a) By delivery of the same personally to the person required to be served, or, if such person is absent, abroad, or cannot be found, to his agent ; or
- (b) By leaving the same at the usual or last known place of abode of such person as aforesaid ; or
- (c) By post, addressed to the usual or last known place of abode of such person ; or
- (d) In the case of a notice required to be served on a local authority or corporate body or company, by delivering the same to their clerk or secretary, or leaving the same at his office with some person employed there, or by post, addressed to such clerk or secretary at his office.

Provided that if the owner of any land is not known to, and after diligent inquiry cannot be found by, the local authority, then the notice may be served by leaving it, addressed to the owner, with some occupier of the land, or, if there be not an occupier, then by causing it to be put up on some conspicuous part of the land ; and provided also that a notice required to be given to an occupier, may be addressed by the description of the “ occupier ” of the land or premises (describing it or them) in respect of which the notice is given, with out further name or description.

The local authority must also give notice of their intention to make such application by advertisement in some newspaper or newspapers circulating in the area of the local authority, and the advertisement shall be published at least two months before making the application. The following is a suggested form for this advertisement :—

FORM No. 3.

Advertisement of intention to apply for authority to prepare or adopt a scheme

Housing, Town-Planning, etc., Act, 1909.

Part II.

Article I of the Town-Planning Procedure Regulations

(England and Wales), 1910.

To all whom it may concern.

Take notice that it is the intention of (description of local authority), upon a date not being less than two calendar months after the publication of this notice, to make an application to the Local Government Board for authority to ^{prepare} adopt with or without modification, a town-planning scheme in accordance with the provisions of Part II of the Housing, Town-Planning, etc., Act, 1909.

*The land proposed to be included in the scheme comprises (short description of the land proposed to be included in the scheme) and has been delineated and is shown upon a map marked and known as Map No. 1, which said map has been deposited at the offices of the Council (or other place convenient for the purpose as the case may be) situate (address), and may be there inspected by any person interested without payment of any fee between the hours of
 in the forenoon and in the afternoon on any week-day during one calendar month next following the publication hereof, and provision has been made for affording any person interested any necessary explanation in regard to the said map. A copy of the said map, or any extract therefrom, can be obtained on application on payment of the prescribed fee.*

Objections or representations with reference to the proposed scheme should be stated in writing and delivered or posted, addressed to the undersigned at the address mentioned below.

Dated this day of 19 .

(Signature of Clerk to Local Authority).....

(Address).....

The service of the above notices and insertion of the advertisement will probably result in the local authority receiving a number of objections, admonitions, representations and suggestions with reference to their proposal which will together form a body of useful warnings and suggestions for the consideration and guidance of the authority in proceeding with the proposal. Before making the application to the Board for authority to prepare or adopt a scheme, the local authority is required to consider any objections or representations made to them in writing in reference to the proposed scheme, whether by owners or other persons interested in the land proposed to be included in the scheme, or by owners or other persons interested in any lands in the neighbourhood of the land proposed to be included in the scheme which may be affected by the scheme, or by the Council of any Borough or of any Urban or Rural District within which any part of the land proposed to be included in the scheme is comprised, or by any other Council who may be interested in or affected by the scheme; and to endeavour, by conferences between the local authority or their officers and such owners, persons, or Councils, and by any other means available, to secure the co-operation of such owners, persons, or Councils in promoting the scheme.

The local authority must arrange for at least one meeting being held, at which all such owners, persons, or Councils, as aforesaid shall be entitled to attend or be represented, for the purpose of considering the proposed scheme. Notice of the time and place fixed for such meeting is to be served by the local authority upon all such owners, persons, or Councils, so far as they can ascertain the same, not less than fourteen days before the time fixed for the meeting.

The Mayor (if the local authority are the Town Council of a Borough) or the chairman of the Council (if the local authority are the London County Council or an Urban or Rural District Council) is to be the president of the meeting, or in the event of the Mayor or

chairman being unable or unwilling to act, any person appointed for the purpose by the local authority shall be the president, or, in default of such appointment, the meeting shall choose some person present at the meeting to be president thereof. On opening the meeting, the president, or a member or officer of the local authority, shall give such explanation of the proposed scheme as he thinks expedient.

The following is a suggested form of notice of such meeting :—

FORM No. 4.

Notice of meeting to consider the proposed scheme.

Housing, Town-Planning, etc., Act, 1909.

Part II.

*Article III of the Town-Planning Procedure Regulations
(England and Wales), 1910.*

To (name, usual or last known place of abode and description, if known).

Whereas by a notice dated the day of 19 the (name of local authority) notified their intention to make an application to the Local Government Board for authority to prepare a town-planning scheme adopt, with or without modification, in accordance with the provisions of Part II of the Housing, Town-Planning, etc., Act, 1909, as regards certain land delineated and shown upon a map marked and known as map No. 1, which said map has since the day of 19 been deposited at (state place) for the purpose of being inspected by any person interested. And whereas the (name of local authority) has received certain objections or representations in writing with reference to the proposed scheme.

And whereas it is provided by Article III of the Town-Planning Procedure Regulations (England and Wales), 1910, that a meeting shall be held for the purpose of considering the proposed scheme with a view to securing the co-operation in the promotion of the scheme of all owners, persons or Councils interested.

Notice is hereby given accordingly that a meeting for the above purpose will be held at (place of meeting) on the day of 19¹, at the hour of in the noon, and you are entitled to attend or to be represented at that meeting.

Dated this day of 19 .

(Signature of Clerk of Local Authority).....

¹ (N.B.—The date fixed for the meeting must not be less than 14 days after the service of the Notice.)

STEP NO. 3. PREPARATION OF MAP NO. 2 AND STATEMENTS TO ACCOMPANY APPLICATION.

Map No. 2 is to be on a scale of not less than 25·344 inches to the mile, and is to be marked and known as Map No. 2. It shall show clearly by means of boundary lines sharply defined in colour the area of the land included in the proposed scheme, distinguishing between the parts of the land included within the area of the local authority and within the area of any other local authority. If the area of the land includes any piece of land already built upon or any piece of land not likely to be used for building purposes, any such lands shall be indicated on the map by distinctive colours and any necessary reference notes, and there shall also be shown on the map in like manner the positions of any buildings which have been erected on the land, or of any buildings which are in course of erection.

If the application relates to the preparation of a scheme by the local authority, there shall also be shown on Map No. 2—

- (1) The lines and widths of the principal roads which the local authority propose shall be made a part of the scheme;
- (2) The connexions of the proposed roads with existing roads;
- (3) The lines of any existing sewers or any existing pipes or mains for the supply of water, gas, or electricity;
- (4) Any existing roads or ways which it would be necessary to stop up or divert; and
- (5) If the local authority contemplate that the scheme shall provide for certain areas being used for the purpose of open spaces or for other special purposes, those areas shall as far as possible be indicated on the said map.

If the application relates to the adoption of a scheme proposed by owners of land, there shall also be shown on Map No. 2—

- (1) The lines and widths of all roads proposed as part of the scheme.
- (2) The connections of the proposed roads with existing roads ;
- (3) The lines of any existing sewers or any existing pipes or mains for the supply of water, gas, or electricity,
- (4) Any existing roads or ways which it is proposed to stop up or divert ;
- (5) The areas proposed to be allocated for the purpose of open spaces, private or public, or to be used for any other special purpose ;
- (6) All such further particulars in relation to the scheme proposed to be adopted as are suitable for indication thereon, e.g., any proposals as to lines of sewers, or of pipes or mains for the supply of water, gas, or electricity.

The following statements must be prepared ready to accompany the application.

In connexion with all applications a statement or statements giving the following particulars and information :—

(a) A general description of the scheme, including information as to the general character of the land proposed to be included in the scheme, the extent to which the scheme applies to land in course of development, the extent to which it applies to land likely to be used for building purposes, and, as regards the last-mentioned land, the grounds for considering that the land is likely to be so used.

(b) The reasons on which the local authority rely in support of their application.

(c) If the scheme includes land already built upon or land not likely to be used for building purposes, the reasons which, in the opinion of the local authority, render it necessary or desirable to include such lands in the scheme ; particulars of the buildings on the lands ; such information as the local authority may be in a position to give in regard to the extent to which it would be necessary to provide for the demolition or alteration of the buildings for the purpose of carrying the scheme into effect ; and as regards any land not likely to be used for building purposes, the grounds on which it is considered that such land would not be so used.

(d) Information as to the arrangements in operation in the area of the local authority in regard to sewerage, drainage and sewage disposal, water supply and lighting, and the like information in regard to the area of any other local authority in which any

part of the land included in the scheme is comprised, and also information to show to what extent the arrangements as to sewerage, drainage and sewage disposal would be available or would require alteration or modification for the purposes of the area included in the scheme. If any company, whether statutory or otherwise, is supplying, or has power to supply, water, gas, or electricity in the area included in the scheme, it should be so stated and particulars given in regard thereto.

(e) If the area of the land included in the scheme is not wholly within the area of the local authority making the application, information shall be supplied as to the proposals in regard to the authority who are to be responsible for enforcing the observance of the scheme and for the execution of any works which under the scheme or under Part II of the Act may have to be executed by a local authority.

(f) Information as to any monuments, or ancient monuments, within the meaning of the Ancient Monuments Protection Acts, 1882 to 1900, situate within the area included in the scheme, and as to the manner in which they would be affected.

(g) If any land or property of any Government Department would be affected by the scheme, particulars in regard to any such property and as to the Government Departments concerned.

In connexion with an application for authority to adopt a scheme prepared by owners, a statement or statements giving the following additional particulars and information :—

(h) The names and addresses of the owners, lessees and occupiers of each parcel of the land included in the scheme and the approximate extent of each such parcel.

(i) Information showing in what respects the proposals in the scheme would involve the suspension of any statutory enactments, bye-laws, regulations or other provisions which are in operation in the area included in the scheme.

(j) Information as to the extent to which it may be contemplated or necessary under the scheme that land included in the scheme should be acquired (1) by the local authority making the application or (2) by any other local authority.

(k) Definite information as to whether any of the owners by whom the scheme is proposed will, in the event of the scheme being adopted by the local authority and approved by the Board, claim compensation on the ground that his property would be injuriously affected

by the making of the scheme ; and particulars of any information in the possession of the local authority in regard to the probability of any other person making a claim for compensation on that ground.

(l) If, in the opinion of the local authority, any property will be increased in value by the making of the proposed scheme, information as to such property and as to the estimated increase in value.

In connexion with all applications :—

(m) A statement or statements showing as nearly as may be practicable the estimated cost of carrying out the scheme, so far as the cost is expected to be borne by (i) the local authority making the application, and (ii) any other local authority, and the local authority shall furnish the Board with such information as they may require as to the manner in which the estimated cost is arrived at.

(n) The following particulars with respect to the district of the local authority, that is to say : (i) the acreage ; (ii) the population according to the last census ; (iii) the rateable value for the purposes of the poor rate ; (iv) the amount in the £ of every rate levied during the three last preceding financial years ; (v) the amount of the balances of the outstanding loans contracted by the local authority, and the sum included in such amount in respect of loans for sanitary purposes ; and (vi) the amount of the loans sanctioned but not raised though proposed to be raised, and the sum included in such amount in respect of loans for sanitary purposes ; provided that if it is proposed that the cost of the scheme to be borne by the local authority shall be charged upon any contributory place or places in their District, the particulars required under the heads i., ii., iii., and iv. hereof shall be given with respect to such place or places only. If any part of the cost of the scheme is expected to be borne by a local authority other than the local authority making the application, the first-mentioned local authority shall make a statement showing in regard to their district the several particulars indicated in this paragraph and shall supply the same to the last-mentioned local authority, who shall transmit it to the Board with the application.

It follows from the foregoing requirements as to additional information required in the case of an application for authority to adopt a scheme proposed by owners that it is incumbent upon such owners to prepare their scheme and submit it to the local authority not later than this stage of the proceedings.

STEP No. 4. THE APPLICATION.

The above documents having been prepared the matter will be ripe for consideration by the local authority with a view to passing the required resolution that an application to the Board be made for authority to prepare or to adopt (with such modifications, if any, as the local authority may desire to have made) a scheme. The application is to be made by resolution of the local authority, but this step is not to be taken until two months at least have elapsed since the service of the last of the notices required under Step No. 2, or the publication of the advertisement mentioned under that heading, whichever is latest in point of time. The resolution must define by reference to Map No. 2 the land in reference to which it is desired to prepare or adopt the scheme, and state whether the land is entirely within the area of the local authority or wholly or partly within a neighbouring area.

A copy of the resolution certified by the Clerk to the local authority shall be transmitted without delay to the Board by the Clerk, with a covering letter, stating the total number of members of the local authority, the number who voted for the resolution, the number who voted against the resolution, the number who were present at the meeting but did not vote, and the number absent from the meeting.

The copy resolution and letter must be accompanied by:—

(a) A statutory declaration made by the Clerk to the local authority or other person competent to make the same, specifying upon whom and the manner in which the required notices were served, and showing that all requirements as to notices and as to the deposit of maps have been duly complied with. There shall be annexed to the declaration as exhibits (1) a copy of the form of notice served, (2) a copy of the map deposited for inspection, and (3) a copy of each newspaper containing the advertisement.

(b) Map No. 2, or a copy thereof duly certified by the Clerk to the local authority.

(c) A map on the scale of 1 inch to the mile (to be marked and known as "Map No. 3"), showing, by distinguishing colours or boundary lines in colour, the district of the local authority, the land included in the proposed scheme, and the area within a distance of five miles from any part of the district of the local authority; provided that, if the scheme is proposed to be made or adopted by

the Council of a Rural District, it shall not be obligatory that the map shall extend to the whole of the Rural District, but it shall extend to the contributory place or places therein in which any part of the land included in the scheme is comprised, and to the area within a distance of five miles from such place or places ; provided also that, if in any case the land included in the scheme is wholly outside the district of the local authority, the map shall show at least the area within a distance of five miles from any part of such land.

(d) A copy of all objections made in writing in reference to the proposed scheme so far as the objections have not been withdrawn or removed.

(e) If the application relates to the adoption of a scheme proposed by owners, a copy of the scheme so proposed, and a statement of any modifications which the local authority are of opinion should be made in the scheme.

(f) The statements containing the information detailed under the heading of Step No. 3.

STEP No. 5. ADVERTISEMENT OF APPLICATION.

When the local authority have transmitted to the Board an application for the approval of the Board to the preparation or adoption of a scheme, the local authority shall forthwith give notice of such application and of the date of the resolution making the application by advertisement in some newspaper or newspapers circulating in the area of the local authority.

It will be remembered that unless some other time is fixed by the Board for the purpose, the date of the resolution will be deemed to be the date upon which application was made for authority to prepare or adopt the scheme for the purpose of the provisions of the Act relating to compensation, and that subject to the exception specified in the Act a person is not to be entitled to compensation on account of any building erected on, or contract made or other thing done after the date of the resolution with respect to the land included in the scheme.

The advisability of issuing a warning to that effect in the notice by advertisement of the application having been made might well be considered, but there is no specific requirement to that effect contained in the Regulations.

FORM No. 5.

*Advertisement of application for authority to prepare or adopt
a scheme.*

Housing, Town-Planning, etc., Act, 1909.

Part II.

*Article XI of the Town Planning Procedure Regulations
(England & Wales), 1910.*

To all whom it may concern :

*Take notice that by resolution dated the day of
19 the (description of local authority) applied to the
Local Government Board for authority to prepare (adopt with
or without modifications) a town-planning scheme in accord-
ance with the provisions of Part II of the Housing, Town-
Planning, etc., Act, 1909.*

*The said resolution is to the following effect, viz:—
(Copy resolution.)*

*The above-mentioned date of the foregoing resolution will (unless
some other time is fixed by the Local Government Board for the
purpose) be deemed to be the date upon which application was
made for authority to prepare (or adopt) the scheme for the pur-
pose of the provisions of the Housing, Town-Planning, etc. Act,
1909, relating to compensation, and subject to the exceptions
specified in the Act no person will be entitled to compensation
on account of any building erected on or contract made or other
thing done with respect to the land included in the scheme after
the date of the foregoing resolution.*

*Dated this day of 19 .
(Signature of Clerk of Local Authority)*

This advertisement completes the procedure anterior to and for the purpose of an application for authority to prepare or adopt a scheme, and the Board state that in preparing the Regulations, they have been desirous of limiting as far as possible the specific requirements to be complied with, and it does not appear to them that as a general rule it should be necessary for a local authority to incur much expense at this stage of the proceedings.

The full development of the details of the scheme might, the Board consider, be reserved until after the preliminary stage is passed, at all events in the case of a scheme which is being prepared by the local authority. In ordinary circumstances the Board would probably find it necessary or desirable to direct a local inquiry before giving the necessary authority to prepare or adopt a scheme, and if it is thought that at any stage prior to the submission of a scheme for their approval the assistance or advice of any of the Board's experts might tend to facilitate agreements with owners concerned or to save labour or expense, the Board will be quite ready to arrange for such assistance or advice being given.

CHAPTER XIX

Procedure during, on, and after the Preparation or Adoption of a Scheme down to the Final Notices of the Approval of the Scheme by the Board

STEP No. 1. NOTICES OF AUTHORITY HAVING BEEN GIVEN TO PREPARE OR ADOPT A SCHEME.

As soon as authority has been received from the Board for the preparation by the local authority of a scheme with reference to any land, or for the adoption with or without modifications of a scheme proposed by owners, the local authority must make suitable provision for the inspection by any person interested or affected of the order or instrument giving the authority, and for affording to any such person any necessary explanation or information in regard thereto, and proceed to prepare and serve and advertise notice of the receipt of the authority. The following will, it is believed, be found to be a suitable form of notice:—

FORM No. 6.

*Notice of authority having been given to prepare or adopt scheme.
Housing, Town-Planning, etc., Act, 1909.*

Part II.

*Article XII of the Town-Planning Procedure Regulations
(England & Wales), 1910.*

*To (name, usual or last known place of abode and description
where known).*

*Take notice that the Local Government Board, by order dated
the day of 19 have authorized (description of
local authority) to prepare (or adopt) a town-planning scheme
in accordance with the provisions of the Housing, Town-Planning
etc., Act, 1909, affecting (define the area as in the order).*

A copy of the said Order of the Local Government Board may be inspected, and any necessary explanation or information in regard thereto may be obtained without payment of any fee at the offices of the Council (or other place convenient for the purpose as the case may be) situate (address) between the hours of in the forenoon and in the afternoon on any week-day pending the preparation or adoption of the scheme. The (description of local authority) propose to forthwith prepare (adopt with or without modifications) a scheme in accordance with the above authorization, and any person interested or affected who may desire to be heard in reference to such proposal, including any persons representing architectural or archæological Societies, or otherwise interested in the amenity of the proposed scheme, should give notice in writing to that effect addressed to the undersigned at the undermentioned address within twenty-one days from the date of this notice. The notice so given to me should specify clearly the particular matter upon which you desire to be heard, and the manner in which you claim to be interested or affected by the proposed scheme.

Dated the day of 19 .

(Signature of Clerk to Local Authority).....

(Address)

The notice must be served upon the following persons, authorities and departments :—

<i>Class I.</i> The owners or reputed owners lessees or reputed lessees and occupiers.	}	of the land in refer- ence to which author- ity to prepare or adopt a scheme has been given.
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<i>Class II.</i> The Council of any Borough or of any Urban or Rural Dis- trict	}	within which any part of that land is com- prised.
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Class III. The County Council, if any main road is or may be affected by the scheme and any of the Government departments concerned, as in the case of Step No. 2 in Chapter XVIII.

The local authority is also required to give notice to the same effect by advertisement in some newspaper or newspapers circulating in the area of the local authority. It is thought that no difficulty will be experienced in adapting the above form of notice for the purpose of this advertisement.

It will be observed that the local authority can only proceed to prepare or adopt (as the case may be) a scheme affecting land included within the authorization received from the Board. If the land comprised within the authorization excludes any land covered by the application made to the Board for the authorization, the local authority must serve notice of the exclusion of such land upon the owners or reputed owners, lessees or reputed lessees, and occupiers of such excluded land, and upon the Council of any Borough or of any Urban or Rural District within which any part of the excluded land is comprised, and also, if any main road would or might have been affected by the inclusion of the excluded land, upon the County Council.

STEP NO. 2. PREPARATION AND PRINTING OF DRAFT SCHEME AND MAP NO. 4 AND DEPOSIT FOR INSPECTION.

The local authority must carefully consider all objections and representations made to them in writing by any persons or councils interested or affected, including persons representing architectural or archæological societies or otherwise interested in the amenity of the proposed scheme, and when they have fully considered and developed their proposals, and if it is a case of the preparation of a scheme by them, have decided to prepare a scheme in regard to an area of land in respect of which they have been authorized so to do, they shall cause to be printed a draft scheme embodying their proposals, and shall cause a map, or if the case so require maps, (to be marked and known as "Map. No. '4,'" "Map No. 4 (A)," "Map No. 4 (B)," etc.), to be prepared on a scale of not less than 25'344 inches to the mile.

If it is a case of the adoption by the local authority of a scheme proposed by owners, the local authority shall, when they have fully considered the scheme proposed by owners in respect of an area of land in regard to which the local authority have been authorized to adopt a scheme with or without modifications, and have decided to adopt the same with or without modifications, cause to be printed a copy of the scheme proposed by owners, and shall pre-

pare and cause to be printed a memorandum of all modifications which they propose should be made in such scheme, and shall obtain from the owners or shall themselves provide a map or maps (to be marked and known as "Map No. 4," "Map No. 4 (A)," "Map No. 4 (B)," etc.,) on a scale of not less than 25·344 inches to the mile.

In either case the maps to be marked and known as Maps No. 4, 4 (A), 4 (B), etc., shall show clearly by means of boundary lines sharply defined in colour the area of the land included in the proposed scheme distinguishing between the parts of the land included within the area of the local authority and within the area of any other local authority, and also showing thereon all such particulars and details in relation to the proposed scheme as can conveniently be indicated thereon by the aid of reference letters or numbers, descriptive notes, distinguishing colours, or otherwise; and especially there shall be indicated and distinguished on the said map or maps,—

Existing main roads;

Roads repairable by the inhabitants at large;

Roads or footways over which the public have a right of way;

Roads on which tramways or light railways have been constructed or are authorized to be constructed;

Roads which the local authority propose shall be made as part of the scheme, indicating the widths thereof and any proposals as to the parts thereof to be appropriated or set apart for special purposes, and the connexions of such roads with existing roads;

Roads or ways which it is proposed to stop up or divert;

Land already built upon;

Land not likely to be used for building purposes;

Land proposed to be allocated for use as open spaces (a) private or (b) public;

Land to be used for any other purposes, including e.g. buildings for manufacturing purposes or buildings of a special character in reference either to the purposes to which they are to be applied or to their height or otherwise, indicating any restrictions proposed as to the number of buildings which may be erected on any portion of land or each acre in any portion of the land;

Land to be acquired by the local authority for any purpose;

Lines of any existing sewers or any existing pipes or mains for the supply of water, gas, or electricity.

Proposals as to lines of sewers or of pipes or mains for supply of water, gas, or electricity.

When the draft scheme (and in the case of the adoption of a scheme the memorandum of the modifications proposed by the local authority) has been printed and these maps prepared and properly marked, the local authority shall deposit such draft scheme (the memorandum) and the maps at a place convenient for the purposes of inspection, and shall keep them deposited thereat, for a period not being less than twenty-one days from the date on which the latest of the notices to be mentioned in the next step is given, and the same shall be open for inspection by any persons interested or affected, without payment of any fee, at all reasonable hours on any week-day during the said period. The local authority shall also make suitable provision for affording to any such person inspecting the said documents and maps any necessary explanation or information in regard thereto,

STEP NO. 3. NOTICE OF STEP NO. 2 HAVING BEEN TAKEN,
OBJECTIONS AND CONFERENCES.

When the requirements of Step No. 2 have been completed, and at least one month before deciding upon the scheme to be submitted to the Board for approval, whether in regard to a scheme prepared by the local authority or a scheme proposed by owners and proposed to be adopted by the local authority, the local authority shall prepare and serve notices of which the following is a suggested form :—

FORM No. 7.

Notice of scheme having been prepared, etc.

Housing, Town Planning, etc., Act, 1909.

Part II.

*Article XVI of the Town-Planning Procedure Regulations
(England & Wales), 1910.*

*To (name, usual or last known place of abode and description
where known).*

Take notice [that a draft scheme in accordance with the provisions of the Housing, Town-Planning, etc., Act, 1909, has been

prepared by (description of local authority)] or as the case may be [that (description of local authority) intend to adopt with certain modifications a scheme prepared in accordance with the provisions of the Housing, Town-Planning, etc., Act, 1909, proposed by owners] affecting (description of the land proposed to be included in the scheme), and it is proposed to submit the said scheme (as modified) to the Local Government Board for their approval. The said scheme (and a memorandum of the said modifications) and maps marked and known as Maps No. 4, 4 (A), etc. (as the case may be), have been deposited at the offices of the Council (or other place convenient for the purpose as the case may be) situate (address), and may there be inspected by you or any other person interested or affected without payment of any fee between the hours of in the forenoon and in the afternoon on any week-day within twenty-one days from the date of this notice; and provision has been made for affording to you, and any other person interested or affected inspecting the said scheme and maps, any necessary explanation or information in regard thereto.

The (description of local authority) will be prepared to consider any objections or representations which may be made to them in writing, addressed to the undersigned at the undermentioned address during the said period.

Copies of the said maps or any extract therefrom can be obtained on application on payment of the prescribed fee.

Dated this day of 19 .

Signature of Clerk to Local Authority)

(Address)

This notice must be served upon the following persons, authorities and departments:—

Class I. The owners or reputed owners, } of the land included
lessees or reputed lessees and } in the scheme.
occupiers }

Class II. The Council of any Borough or } within which any part
of any Urban or Rural Dis- } of the said land is
trict } comprised.

Class III. The County Council if any main road is or may be affected by the scheme, and any of the Government departments concerned or affected as in the case of Step No. 2, Chapter XVIII.

The local authority is also required to give a similar notice by advertisement in some newspaper or newspapers circulating in the area of the local authority. The advertisement shall be published at least one month before deciding upon the scheme to be submitted to the Board, and shall in addition to the matters specified in the above form of notice state that the local authority will be prepared to consider any objections or representations made in writing by any persons representing any architectural or archæological society or otherwise interested in the amenity of the proposed scheme. No difficulty should be experienced in adapting the above form of notice for the purpose of this advertisement with the above addition.

Before the local authority finally decide upon the scheme to be submitted to the Board for approval, whether in regard to a scheme prepared by the local authority or a scheme proposed by owners and proposed to be adopted by the local authority, they shall consider any objections or representations made to them in writing in reference to the proposed scheme, whether by owners or other persons interested in the land proposed to be included in the scheme, or by owners or other persons interested in any lands in the neighbourhood of the land proposed to be included in the scheme which may be affected by the scheme, or by the Council of any Borough or of any Urban or Rural District within which any part of the land proposed to be included in the scheme is comprised, or by any other Council who may be interested in or affected by the scheme, or by any architectural or archæological society interested in the amenity of the proposed scheme, and shall endeavour, by conferences between the local authority or their officers and such owners, persons, councils, or societies, and by any other means available, to secure the co-operation of such owners, persons, councils, or societies in promoting the scheme.

The local authority shall arrange for at least one meeting being held, at which all such owners, persons, councils or societies as aforesaid shall be entitled to attend or be represented, for the purpose of considering the proposed scheme. The procedure of

summoning this meeting and for its conduct is the same as that prescribed in the case of the meeting in Step No. 2, Chapter XVIII.

STEP NO. 4. MAKING OR ADOPTION OF SCHEME FOR THE APPROVAL OF THE BOARD.

When the local authority have decided upon the scheme to be submitted to the Board for their approval, whether in regard to a scheme prepared by the local authority or a scheme proposed by owners and proposed to be adopted by the local authority, and not less than one month after the service of the last of the notices required under the preceding step or publication of the advertisement thereby required whichever is the later, they will make an Order under their seal, authenticated by the signature of their clerk or deputy clerk, making the scheme, or (as the case may be) adopting the scheme proposed by owners with such modifications as may have been decided upon by the local authority.

A map, or if the case so require maps, prepared in the manner and containing the particulars and details required to be shown in Maps No. 4, 4 (A), 4 (B), etc., but to be marked and known as "Map No. 5," "Map No. 5 (A)," Map No. 5 (B)," etc., shall be sealed with the seal of the local authority in connexion with the Order. If the map or maps required to be prepared and sealed in connexion with the Order are identical in all respects with the map or maps prepared and marked as Map No. 4, 4 (A), 4 (B), etc., the last-mentioned map or maps may, if the local authority think fit, be used and sealed in connexion with the Order, but if so used they shall also be marked as Map No. 5, 5 (A), 5 (B), etc., as well as being marked Map No. 4, 4 (A), 4 (B), etc.

STEP NO. 5. APPLICATION TO THE BOARD TO APPROVE THE SCHEME AND PREPARATION AND TRANSMISSION OF THE NECESSARY DOCUMENTS TO ACCOMPANY THE APPLICATION.

An application to the Board to approve the scheme as made or adopted by the local authority by the before-mentioned order shall be made by a resolution of the local authority; and a copy of the resolution, certified by the clerk to the local authority, shall be transmitted without delay to the Board by the clerk, with a covering letter stating the total number of members of the local authority, the number who voted for the resolution, the number

who voted against the resolution, the number who were present at the meeting but did not vote, and the number absent from the meeting.

When the local authority transmit to the Board the resolution of the local authority requesting the approval of the Board to the scheme as made or adopted by the local authority, they shall transmit to the Board :—

(a) Statutory declarations made by the clerk to the local authority or other person competent to make the same, specifying the manner in which the required notices were served and showing that all requirements as to notices required to be given and as to the deposit of maps or plans or any document required to be deposited have been duly complied with. There shall as regards the requirements of Step No. 1 above be annexed to the declarations as exhibits (1) copies of the forms of notices served and (2) a copy of each newspaper containing the advertisement ; and as regards the requirements of Steps Nos. 2 and 3 above there shall be annexed to the declarations as exhibits (1) a copy of the form of notice served ; (2) a copy of each newspaper containing the advertisement ; (3) a statement showing the several parcels of land in respect of which notice was served upon each owner lessee and occupier ; (4) a copy of the draft scheme prepared by the local authority and deposited for inspection ; or (4a) a copy of the scheme proposed by owners and deposited for inspection, together with a copy of any memorandum prepared by the local authority of modifications in such scheme and deposited with the scheme for inspection ; and (5) copies of the maps deposited for inspection.

(b) A sealed copy and three other copies of the Order of the local authority containing the scheme as made or adopted by them, and a certified copy of every map referred to in the Order.

(c) A map on the scale of 6 inches to the mile to be marked and known as “Map No. 6,” showing, by distinguishing colours or boundary lines in colour, the district of the local authority and the land included in the scheme : provided that, if the scheme is made or adopted by the council of a rural district, it shall not be obligatory that the map shall extend to the whole of the rural district, but it shall extend to the contributory place or places therein in which any part of the land included in the scheme is comprised : and provided also that if, in any case the land included in a scheme is wholly outside the district of the local authority, the map shall show all

the area intervening between that land and the district of the local authority. There shall also be shown on the map by some distinctive colours and any necessary reference notes all recreation grounds or public open spaces and public elementary schools in the area required to be shown on the map, and also the buildings which have been erected in that area up to the time when the map is sent to the Board, distinguishing so far as regards the land included in the scheme the buildings begun to be erected after the application was made to the Board for their authority to prepare or adopt the scheme.

(d) A map on a scale of not less than 25·344 inches to the mile, or a plan drawn to some larger scale (to be marked and known as "Map No. 7") showing the area of the land included in the scheme so divided as to indicate as nearly as may be the portions of such land belonging to different owners. The map or plan shall show as regards each portion of the land the name of the owner, or shall bear numbers having reference to a statement, to be annexed to the map or plan, showing the names of the owners.

(e) A copy of all objections made in writing in reference to the scheme so far as the objections have not been withdrawn or removed in the scheme as finally prepared or adopted by the local authority.

(f) If the statement or statements of particulars and information furnished under Step No. 3, Chapter XVIII, has or have owing to lapse of time or other circumstances become inaccurate in any material respect, an amended statement or amended statements of such particulars and information so far as such particulars and information are not contained in the scheme; if the particulars and information already furnished to the Board in accordance with that Step represent fully and accurately the particulars and information now required in regard to the scheme as made it shall be sufficient if a reference be made to the particulars and information previously furnished.

(g) A statement or statements giving the particulars and information indicated below so far as they are not contained in the scheme :—

(i) Information to show whether the scheme admits of satisfactory provision being made in regard to the supply of water, gas or electricity within the area included in the scheme.

- (ii) Information in regard to any tramways or light railways constructed or authorized to be constructed in the area included in the scheme or in the immediate neighbourhood thereof.
- (iii) In regard to any land proposed to be acquired by the local authority submitting the scheme or any other local authority, any information available as to the probability of the lands being acquired by agreement.
- (iv) Particulars in regard to any land included in the scheme which belongs to the local authority submitting the scheme or any other local authority ; the purposes for which and the authority under which such land was acquired or is held ; and also information as to any proposal in regard to its use for any other purposes under the scheme.
- (v) If the local authority are of opinion that any property will be injuriously affected by the making of the scheme, within the meaning of the Act, information, so far as it is practicable to give the same, in regard to such property and as to the extent to which the local authority consider that it may be injuriously affected.
- (vi) Detailed particulars of any works which are to be executed under the scheme by any person or local authority, so far as any such particulars are available.
- (vii) If the scheme contains provisions suspending any enactment contained in a public general Act, a full explanation of any such provisions and the reasons which are considered to justify their insertion.
- (viii) If the scheme contains provisions suspending any other statutory enactments, bye-laws, regulations or other provisions which are in operation in the area included in the scheme, a full explanation of any such provisions and the reasons which are considered to justify their insertion.
- (ix) Particulars of any land forming part of any common, open space, or allotment, within the meaning of section 73 of the Act, which is within the area included in the scheme, and of any part of that land which under the scheme is authorized to be acquired or appropriated to any other purpose, and particulars in regard to any land proposed to be given in exchange for the land so to be acquired or appropriated ;

(x) Particulars of any land included in the scheme which is situate within the distance prescribed by Regulations made by the Board under section 74 of the Act from any of the royal palaces or parks.

(h) A statement giving full information in regard to the estimated cost of carrying out the scheme, so far as the cost is to be borne by (1) the local authority making the application and (2) any other local authority. Separate particulars shall be given under the following heads :—

EXPENDITURE.

Purchase of land for open spaces.

Purchase of land for other purposes, specifying them.

Purchase of buildings.

Demolition or alteration of buildings.

Compensation in respect of property injuriously affected by the scheme.

Making or alteration of roads or ways.

Sewerage or drainage.

Cost of preparing the scheme.

Other purposes, specifying them.

RECEIPTS.

In respect of property increased in value.

From other sources, specifying them.

(i) A list and a copy of all local Acts, provisional orders, bye-laws, or regulations in force in the area of any local authority any part of whose district is included in the scheme ; and in the case of any part of a district other than that of the local authority making the application to the Board being so included, such list and copy shall be supplied by the local authority of that district to the local authority making the application, who shall transmit them to the Board.

STEP No. 6. NOTICE BY ADVERTISEMENT OF SUBMISSION OF SCHEME TO THE BOARD.

As soon as the local authority have submitted the scheme to the Board for their approval they shall give notice of such submission by advertisement in some newspaper or newspapers circulating in the area of the local authority. The notice shall also state

that a copy of the scheme submitted to the Board may be inspected by persons affected, including persons representing architectural or archæological societies or otherwise interested in the amenity of the scheme, at a place to be specified in the notice, without payment of any fee, at all reasonable hours (specifying the same) on any week-day within a period of one month from the date of the notice, and that any objections and representations by any such persons should be made in writing and addressed to the Board, at their Office, within the said period. A copy of the newspaper or newspapers containing such advertisement shall be forwarded to the Board by the clerk to the local authority.

STEP No. 7. NOTICES OF MODIFICATIONS OR CONDITIONS (IF ANY)
PROPOSED BY THE BOARD.

If the Board propose to make any modifications in, or to attach any conditions to, the scheme submitted for their approval and transmit to the local authority a draft Order for approving the Scheme with such modifications and conditions, the local authority shall within fourteen days after the receipt of the draft Order serve a copy of the draft Order upon the owners or reputed owners, lessees or reputed lessees, and occupiers of the land included in the scheme, and upon the Council of any Borough or of any urban or rural district within which any part of the said land is comprised, and, in proper cases upon the County Council and departments concerned as in the case of Step No. 1, together with a notice that any objections or representations in regard to such modifications and conditions should be made in writing and addressed to the Board at their Office within a period of one month from the date of the serving of such draft Order and notice.

The local authority shall also within fourteen days after the receipt of the draft Order give notice by advertisement in some newspaper or newspapers circulating in the area of the local authority that the Board have caused a draft Order to be prepared for approving the scheme subject to modifications or conditions, that a copy of the draft Order may be inspected and any information in regard thereto may be obtained, without payment of any fee, at a place which shall be specified in the notice, at all reasonable hours (specifying the same) on any week-day during the period of one month from the date of the notice, and that any objections or repre-

sentations in regard to such modifications and conditions should be made in writing and addressed to the Board at their Office within a period of one month from the date of the notice.

The local authority shall furnish the Board within a period of one month from the receipt of the draft Order for approving the scheme with modifications or subject to conditions any objections or representations which they may desire to make in regard to the proposed modifications and conditions, and shall also within the same period transmit to the Board a statutory declaration made by the clerk to the local authority or other person competent to make the same in proof of compliance with the above requirements and there shall be annexed to the declaration as exhibits (1) a copy of the form of notice served and (2) a copy of each newspaper containing the advertisement.

STEP NO. 8. NOTICE BY ADVERTISEMENT OF THE INTENTION OF THE BOARD TO APPROVE THE SCHEME.

When the Board have decided to approve the scheme submitted for their approval, with or without modifications, and notify the local authority of the decision and transmit to the local authority a draft Order for approving the scheme, the local authority shall within fourteen days after the receipt of such notification give notice by advertisement in some newspaper or newspapers circulating in the area of the local authority that the Board intend to approve the scheme and propose, after the receipt by the Board of a copy of the newspaper or newspapers containing the advertisement, to publish forthwith in the *London Gazette*, in accordance with subsection (4) of section 54 of the Act, a notice of such their intention, and that any person or authority interested and deciding to object to the scheme being approved should make his or their objection by means of a letter or other representation in writing addressed and posted or otherwise given, sent or delivered to the Board at their Office within 21 days from the date of such publication in the *London Gazette*. The letter or representation must indicate clearly the scheme to which the objection is taken and shall state fully in what respects the person or authority objecting claims or claim to be interested in the scheme and the grounds on which the objection is made.

A copy of the newspaper or newspapers containing the advertise-

ment shall be forwarded to the Board by the clerk to the local authority immediately on the publication thereof.

The local authority shall deposit at a place convenient for the purposes of inspection and shall keep deposited thereat the draft Order forwarded to them under this Article, for the full period of twenty-one days from the date of the said publication in the *London Gazette*, and the draft Order shall be open for inspection by any person interested, without payment of any fee, at all reasonable hours on any week-day during the said period.

STEP NO. 9. NOTICE OF APPROVAL OF THE SCHEME BY THE BOARD.

The local authority, on receipt of a copy of the Order of the Board approving a scheme, shall without delay first publish notice of the approval of the Scheme by advertisement in some newspaper circulating in the area of the local authority. The notice shall state that the Scheme has been approved with or without modifications or conditions as the case may be, and that the Order of the Board giving the approval and a copy of any map or plan referred to in the Order or Scheme may be inspected and any necessary explanation or information in regard thereto may be obtained without payment of any fee at a place which shall be specified in the notice at all reasonable hours (specifying them) on any week-day during the period of 3 months after the date of the Order. The local authority shall then, not earlier than the second day after the first publication in a newspaper as aforesaid, serve upon the owners, or reputed owners, lessees or reputed lessees and occupiers of the land included in the Scheme, and upon the council of any borough or of any urban or rural district within which any part of the said land is comprised, and also, in proper cases upon the County Council and departments concerned (as before) a copy of the Order approving the Scheme and a notice that a copy of any map or plan referred to in the Order or Scheme may be inspected, and any necessary explanation or information in regard thereto may be obtained as above mentioned.

The local authority shall make suitable provision for affording any person inspecting the Order or Scheme or any map or plan referred to therein within the said period any necessary explanation or information in regard thereto.

The local authority shall within fourteen days after the receipt

of the said Order transmit to the Board a statutory declaration made by the clerk to the local authority or other person competent to make the same in proof of compliance with the above requirements, as to advertizing and serving copies of the order and the notice, and there shall be annexed to that declaration as exhibits (1) a copy of the Order, (2) a copy of the form of notice served and (3) a copy of the newspaper containing the advertisement.

It will be observed that the present Regulations do not include provisions "in relation to the carrying out of the scheme or enforcing the observance of the provisions thereof" or as to "inquiries and reports as to the beginning and the progress and completion of works, and other action under the scheme." The Board propose to defer the making of any Regulations under these heads until they are in a better position for determining the precise Regulations which may be desirable.

Appendix A.

HOUSING, TOWN-PLANNING, ETC., ACT, 1909.

[9 EDW. 7. CH. 44.]

ARRANGEMENT OF SECTIONS.

A.D. 1909.

PART I.

HOUSING OF THE WORKING CLASSES.

Facilities for Acquisition of Lands and other Purposes of the Housing Acts.

Section.

2. Provisions as to acquisition of land under Part III. of the Principal Act.
5. Payment of purchase or compensation money (which would otherwise be paid into Court) on direction of Local Government Board.
45. Saving of sites of ancient monuments, etc.

PART II.

TOWN PLANNING.

54. Preparation and approval of town-planning scheme.
55. Contents of town-planning schemes.
56. Procedure regulations of the Local Government Board.
57. Power to enforce scheme.
58. Compensation in respect of property injuriously affected by scheme, etc.
59. Exclusion or limitation of compensation in certain cases.
60. Acquisition by local authorities of land comprised in a scheme.
61. Powers of Local Government Board in case of default of local authority to make or execute town-planning scheme.
62. Determination of matters by Local Government Board.
63. Inquiries by Local Government Board.
64. Laying general provisions before Parliament.
65. Definition of local authority, and expenses.
66. Application to London.
67. Application of Part II. to Scotland.

PART IV.

SUPPLEMENTAL.

- 73. Provisions as to commons and open spaces.
- 74. Provisions as to land in neighbourhood of royal palaces or parks.
- 76. Short title and extent.

SCHEDULES.

An Act to amend the Law relating to the Housing of the Working Classes, to provide for the making of Town-Planning schemes, and to make further provision with respect to the appointment and duties of County Medical Officers of Health, and to provide for the establishment of Public Health and Housing Committees of County Councils. [3rd December 1909.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

HOUSING OF THE WORKING CLASSES.

Facilities for Acquisition of Lands and other Purposes of the Housing Acts.

* * * * *

Provisions as to acquisition of land under Part III. of the principal Act.

2.—(1) A local authority may be authorised to purchase land compulsorily for the purposes of Part III. of the principal Act, by means of an order submitted to the Local Government Board and confirmed by the Board in accordance with the First Schedule to this Act.

38 & 39 Vict.
c. 55.

(2) The procedure under this section for the compulsory purchase of land shall be substituted for the procedure for the same purpose under section one hundred and seventy-six of the Public Health Act, 1875, as applied by subsection (1) of section fifty-seven of the principal Act.

(3) A local authority may, with the consent of and subject to any conditions imposed by the Local Government Board, acquire land by agreement for the purposes of Part III. of the principal Act, notwithstanding that the land is not immediately required for those purposes.

Payment of purchase or

5.—(1) Any purchase money or compensation payable in pursuance of the Housing Acts by a local authority in respect of any

lands, estate, or interest of another local authority which would, but for this section, be paid into court in manner provided by the Lands Clauses Acts or by paragraph (20) of the Second Schedule to the principal Act may, if the Local Government Board consent, instead of being paid into court, be paid and applied as the Board determine.

compensation money (which would otherwise be paid into court) on direction of Local Government Board.

(2) Any such decision of the Board as to the payment and application of any such purchase money or compensation shall be final and conclusive.

45. Nothing in the Housing Acts shall authorise the acquisition for the purposes of those Acts of any land which is the site of an ancient monument or other object of archaeological interest, or the compulsory acquisition for the purposes of Part III. of the Housing of the Working Classes Act, 1890, of any land which is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or which at the date of the order forms part of any park, garden, or pleasure ground, or is otherwise required for the amenity or convenience of any dwelling-house.

Saving of sites of ancient monuments, etc.

53 & 54 Vict. c. 70.

PART II.

TOWN PLANNING.

54.—(1) A town-planning scheme may be made in accordance with the provisions of this Part of this Act as respects any land which is in course of development or appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity, and convenience in connexion with the laying out and use of the land, and of any neighbouring lands.

Preparation and approval of town-planning scheme.

(2) The Local Government Board may authorise a local authority within the meaning of this Part of this Act to prepare such a town-planning scheme with reference to any land within or in the neighbourhood of their area, if the authority satisfy the Board that there is a *prima facie* case for making such a scheme, or may authorise a local authority to adopt, with or without any modifications, any such scheme proposed by all or any of the owners of any land with respect to which the local authority might themselves have been authorised to prepare a scheme.

(3) Where it is made to appear to the Local Government Board that a piece of land already built upon, or a piece of land not likely to be used for building purposes, is so situated with respect to any land likely to be used for building purposes that it ought to be included in any town-planning scheme made with respect to the last-mentioned land, the Board may authorise the

preparation or adoption of a scheme including such piece of land as aforesaid, and providing for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.

(4) A town-planning scheme prepared or adopted by a local authority shall not have effect, unless it is approved by order of the Local Government Board, and the Board may refuse to approve any scheme except with such modifications and subject to such conditions as they think fit to impose :

Provided that, before a town-planning scheme is approved by the Local Government Board, notice of their intention to do so shall be published in the London or Edinburgh Gazette, as the case may be, and, if within twenty-one days from the date of such publication any person or authority interested objects in the prescribed manner, the draft of the order shall be laid before each House of Parliament for a period of not less than thirty days during the session of Parliament, and, if either of those Houses before the expiration of those thirty days presents an address to His Majesty against the draft, or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft scheme.

(5) A town-planning scheme, when approved by the Local Government Board, shall have effect as if it were enacted in this Act.

(6) A town-planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and approved in accordance with this Part of this Act, and the Local Government Board, on the application of the responsible authority, or of any other person appearing to them to be interested, may by order revoke a town-planning scheme if they think that under the special circumstances of the case the scheme should be so revoked.

(7) The expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town-planning scheme, whether in the nature of a building work or not, and the decision of the Local Government Board, whether land is likely to be used for building purposes or not, shall be final.

Contents of
town-planning
schemes.

55.—(1) The Local Government Board may prescribe a set of general provisions (or separate sets of general provisions adapted for areas of any special character) for carrying out the general objects of town-planning schemes, and in particular for dealing with the matters set out in the Fourth Schedule to this Act, and the general provisions, or set of general provisions appropriate

to the area for which a town-planning scheme is made, shall take effect as part of every scheme, except so far as provision is made by the scheme as approved by the Board for the variation or exclusion of any of those provisions.

(2) Special provisions shall in addition be inserted in every town-planning scheme defining in such manner as may be prescribed by regulations under this Part of this Act the area to which the scheme is to apply, and the authority who are to be responsible for enforcing the observance of the scheme, and for the execution of any works which under the scheme or this Part of this Act are to be executed by a local authority (in this Part of this Act referred to as the responsible authority), and providing for any matters which may be dealt with by general provisions, and otherwise supplementing, excluding, or varying the general provisions, and also for dealing with any special circumstances or contingencies for which adequate provision is not made by the general provisions, and for suspending, so far as necessary for the proper carrying out of the scheme, any statutory enactments, byelaws, regulations, or other provisions, under whatever authority made, which are in operation in the area included in the scheme :

Provided that, where the scheme contains provisions suspending any enactment contained in a public general Act, the scheme shall not come into force unless a draft thereof has been laid before each House of Parliament for a period of not less than forty days during the session of Parliament, and, if either of those Houses before the expiration of those forty days presents an Address to His Majesty against the proposed suspension no further proceedings shall be taken on the draft, without prejudice to the making of any new scheme.

(3) Where land included in a town-planning scheme is in the area of more than one local authority, or is in the area of a local authority by whom the scheme was not prepared, the responsible authority may be one of those local authorities, or for certain purposes of the scheme one local authority and for certain purposes another local authority, or a joint body constituted specially for the purpose by the scheme, and all necessary provisions may be made by the scheme for constituting the joint body and giving them the necessary powers and duties :

Provided that, except with the consent of the London County Council, no other local authority shall, as respects any land in the county of London, prepare or be responsible for enforcing the observance of a town-planning scheme under this Part of this Act, or for the execution of any works which under the scheme or this Part of this Act are to be executed by a local authority.

Procedure regulations of the Local Government Board.

56.—(1) The Local Government Board may make regulations for regulating generally the procedure to be adopted with respect to applications for authority to prepare or adopt a town-planning scheme, the preparation of the scheme, obtaining the approval of the Board to a scheme so prepared or adopted, and any inquiries, reports, notices, or other matters required in connexion with the preparation or adoption or the approval of the scheme or preliminary thereto, or in relation to the carrying out of the scheme or enforcing the observance of the provisions thereof.

(2) Provision shall be made by those regulations—

- (a) for securing co-operation on the part of the local authority with the owners and other persons interested in the land proposed to be included in the scheme at every stage of the proceedings, by means of conferences and such other means as may be provided by the regulations ;
- (b) for securing that notice of the proposal to prepare or adopt the scheme should be given at the earliest stage possible to any council interested in the land ; and
- (c) for dealing with the other matters mentioned in the Fifth Schedule to this Act.

Power to enforce scheme.

57.—(1) The responsible authority may at any time, after giving such notice as may be provided by a town-planning scheme and in accordance with the provisions of the scheme—

- (a) remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with ; or
- (b) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by a responsible authority under this section may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the scheme.

(3) If any question arises whether any building or work contravenes a town-planning scheme, or whether any provision of a town-planning scheme is not complied with in the erection or carrying out of any such building or work, that question shall be referred to the Local Government Board, and shall, unless the parties otherwise agree, be determined by the Board as arbitrators, and the decision of the Board shall be final and conclusive and binding on all persons.

58.—(1) Any person whose property is injuriously affected by the making of a town-planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date when notice of the approval of the scheme is published in the manner prescribed by regulations made by the Local Government Board, be entitled to obtain compensation in respect thereof from the responsible authority.

Compensation
in respect of
property injuri-
ously affected
by scheme, etc.

(2) A person shall not be entitled to obtain compensation under this section on account of any building erected on, or contract made or other thing done with respect to, land included in a scheme, after the time at which the application for authority to prepare the scheme was made, or after such other time as the Local Government Board may fix for the purpose :

Provided that this provision shall not apply as respects any work done before the date of the approval of the scheme for the purpose of finishing a building begun or of carrying out a contract entered into before the application was made.

(3) Where, by the making of any town-planning scheme, any property is increased in value, the responsible authority, if they make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date when notice of the approval of the scheme is first published in the manner prescribed by regulations made by the Local Government Board), shall be entitled to recover from any person whose property is so increased in value one-half of the amount of that increase.

(4) Any question as to whether any property is injuriously affected or increased in value within the meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation under this section or which the responsible authority are entitled to recover from a person whose property is increased in value, shall be determined by the arbitration of a single arbitrator appointed by the Local Government Board, unless the parties agree on some other method of determination.

(5) Any amount due under this section as compensation to a person aggrieved from a responsible authority, or to a responsible authority from a person whose property is increased in value, may be recovered summarily as a civil debt.

(6) Where a town-planning scheme is revoked by an order of the Local Government Board under this Act, any person who has incurred expenditure for the purpose of complying with the scheme shall be entitled to compensation in accordance with this section in so far as any such expenditure is rendered abortive by reason of the revocation of the scheme.

Exclusion or limitation of compensation in certain cases.

59.—(1) Where property is alleged to be injuriously affected by reason of any provisions contained in a town-planning scheme, no compensation shall be paid in respect thereof if or so far as the provisions are such as would have been enforceable if they had been contained in byelaws made by the local authority.

(2) Property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town-planning scheme, which, with a view to securing the amenity of the area included in the scheme or any part thereof, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Local Government Board, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose.

(3) Where a person is entitled to compensation under this Part of this Act in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other enactment, he shall not be entitled to compensation in respect of that matter or thing both under this Act and under that other enactment, and shall not be entitled to any greater compensation under this Act than he would be entitled to under the other enactment.

Acquisition by local authorities of land comprised in a scheme.

60.—(1) The responsible authority may, for the purpose of a town-planning scheme, purchase any land comprised in such scheme by agreement, or be authorised to purchase any such land compulsorily in the same manner and subject to the same provisions (including any provision authorising the Local Government Board to give directions as to the payment and application of any purchase money or compensation) as a local authority may purchase or be authorised to purchase land situate in an urban district for the purposes of Part III. of the Housing of the Working Classes Act, 1890, as amended by sections two and forty-five of this Act.

(2) Where land included within the area of a local authority is comprised in a town-planning scheme, and the local authority are not the responsible authority, the local authority may purchase or be authorised to purchase that land in the same manner as the responsible authority.

Powers of Local Government Board in case of default of local authority to make or execute town-planning scheme.

61.—(1) If the Local Government Board are satisfied on any representation, after holding a public local inquiry, that a local authority—

- (a) have failed to take the requisite steps for having a satisfactory town-planning scheme prepared and approved in a case where a town-planning scheme ought to be made; or

(b) have failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted ;
or

(c) have unreasonably refused to consent to any modifications or conditions imposed by the Board ;

the Board may, as the case requires, order the local authority to prepare and submit for the approval of the Board such a town-planning scheme, or to adopt the scheme, or to consent to the modifications or conditions so inserted :

Provided that, where the representation is that a local authority have failed to adopt a scheme, the Local Government Board, in lieu of making such an order as aforesaid, may approve the proposed scheme, subject to such modifications or conditions, if any, as the Board think fit, and thereupon the scheme shall have effect as if it had been adopted by the local authority and approved by the Board.

(2) If the Local Government Board are satisfied on any representation, after holding a local inquiry, that a responsible authority have failed to enforce effectively the observance of a scheme which has been confirmed, or any provisions thereof, or to execute any works which under the scheme or this Part of this Act the authority is required to execute, the Board may order that authority to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively, or for executing any works which under the scheme or this Part of this Act the authority is required to execute.

(3) Any order under this section may be enforced by mandamus.

62.—Where the Local Government Board are authorised by this Part of this Act or any scheme made thereunder to determine any matter, it shall, except as otherwise expressly provided by this Part of this Act, be at their option to determine the matter as arbitrators or otherwise, and, if they elect or are required to determine the matter as arbitrators, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted and in terms made applicable to the Local Government Board and the determination of the matters aforesaid.

Determination
of matters by
Local Govern-
ment Board.

31 & 32 Vict.
c. 119.

63.—Section eighty-five of the Housing of the Working Classes Act, 1890 (which relates to inquiries by the Local Government Board), as amended by this Act, shall apply for any purposes of this Part of this Act as it applies for the purpose of the execution of the powers and duties of the Local Government Board under that Act.

Inquiries by
Local Govern-
ment Board.

Laying general provisions before Parliament. 56 & 57 Vict. c. 66.

64.—All general provisions made under this Part of this Act shall be laid as soon as may be before Parliament, and the Rules Publication Act, 1893, shall apply to such provisions as if they were statutory rules within the meaning of section one of that Act.

Definition of local authority, and expenses.

65.—(1) For the purposes of this Part of this Act the expression “local authority” means the council of any borough or urban or rural district.

(2) Any expenses incurred by a local authority under this Part of this Act, or any scheme made thereunder, shall be defrayed as expenses of the authority under the Public Health Acts, and the authority may borrow, for the purposes of this Part of this Act, or any scheme made thereunder, in the same manner and subject to the same provisions as they may borrow for the purposes of the Public Health Acts.

(3) Money borrowed for the purposes of this Part of this Act, or any scheme made thereunder, shall not be reckoned as part of the debt of a borough or urban district for the purposes of the limitation on borrowing under subsections (2) and (3) of section two hundred and thirty-four of the Public Health Act, 1875.

Application to London.

66.—(1) This Part of this Act shall apply to the administrative county of London, and, as respects that county, the London County Council shall be the local authority.

(2) Any expenses incurred by the London County Council shall be defrayed out of the general county rate, and any money may be borrowed by the Council in the same manner as money may be borrowed for general county purposes.

Application of Part II. to Scotland.

67.—This Part of this Act shall apply to Scotland subject to the following modifications:—

(1) The Local Government Board for Scotland (hereinafter referred to as the Board) shall be substituted for the Local Government Board, and shall for the purposes of this Part of this Act have the same powers of local inquiry as for the purposes of the Housing Acts as defined in Part I. of this Act.

(2) Subsection (1) and subsection (3) of the section of this Part of this Act which relates to the definition of local authority and expenses shall not apply.

(3) The local authority and the area of such authority for the purposes of this Part of this Act shall respectively be the local authority for the purposes of the Housing Acts as defined in Part I. of this Act, and the district of that authority.

- (4) References to the Public Health Acts shall be construed as references to the Housing Acts as defined in Part I. of this Act.
- (5) Any local rate for the purposes of this Part of this Act (including the purposes of any loan) shall not be reckoned in any calculation as to the statutory limit of the public health general assessment.
- (6) The Board shall not themselves make an order under section sixty-one of this Act on any authority, but in lieu thereof it shall be lawful for the Board, after holding a local inquiry at which the authority shall have had an opportunity of being heard, and with the approval of the Lord Advocate, to apply for such an order by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed to do therein and to dispose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just.
- (7) In any proceedings under this Part of this Act the Board shall have regard to the powers and jurisdiction of the dean of guild court in burghs.
- (8) The provision respecting the Rules Publication Act, 1893, shall have effect as if section one of that Act applied to Scotland, with the substitution of the "Edinburgh Gazette" for the "London Gazette."

PART IV.

SUPPLEMENTAL.

73.—(1) Where any scheme or order under the Housing Acts or Part II. of this Act authorises the acquisition or appropriation to any other purpose of any land forming part of any common, open space, or allotment, the scheme or order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament, except where the scheme or order provides for giving in exchange for such land other land, not being less in area, certified by the Local Government Board after consultation with the Board of Agriculture and Fisheries to be equally advantageous to the persons, if any, entitled to commonable or other rights and to the public.

Provisions as to
commons and
open spaces.

(2) Before giving any such certificate the Board shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.

(3) Where any such scheme or order authorises such an exchange, the scheme or order shall provide for vesting the land given in exchange in the persons in whom the common or open space was vested, subject to the same rights, trusts, and incidents as attached to the common or open space, and for discharging the part of the common, open space, or allotment acquired or appropriated from all rights, trusts, and incidents to which it was previously subject.

(4) For the purposes of this Act the expression "common" shall include any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green; the expression "open space" means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground; and the expression "allotment" means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

Provisions as to
land in neigh-
bourhood of
royal palaces or
parks.

74.—(1) Where any land proposed to be included in any scheme or order to be made under the Housing Acts or Part II. of this Act, or any land proposed to be acquired under the Housing Acts or Part II. of this Act, is situate within the prescribed distance from any of the royal palaces or parks, the local authority shall, before preparing the scheme or order or acquiring the land, communicate with the Commissioners of Works, and the Local Government Board shall, before confirming the scheme or order or authorising the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations they may have received from the Commissioners of Works with reference to the proposal.

(2)—For the purposes of this section "prescribed" means prescribed by regulations made by the Local Government Board after consultation with the Commissioners of Works.

Short title and
extent.

76.—(1) This Act may be cited as the Housing, Town-Planning, etc., Act, 1909, and Part I. of this Act shall be construed as one with the Housing of the Working Classes Acts, 1890 to 1903, and that Part of this Act and those Acts may be cited together as the Housing of the Working Classes Acts, 1890 to 1909.

(2) This Act shall not extend to Ireland.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND BY
A LOCAL AUTHORITY FOR THE PURPOSES OF PART III. OF
THE HOUSING OF THE WORKING CLASSES ACT, 1890.

(1) Where a local authority propose to purchase land compulsorily under this Act, the local authority may submit to the Board an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(2) An order under this schedule shall be of no force unless and until it is confirmed by the Board, and the Board may confirm the order either without modification or subject to such modifications as they think fit, and an order when so confirmed shall, save as otherwise expressly provided by this Schedule, become final and have effect as if enacted in this Act; and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.

(3) In determining the amount of any disputed compensation under any such order, no additional allowance shall be made on account of the purchase being compulsory.

(4) The order shall be in the prescribed form, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect, and of protecting the local authority and the persons interested in the land, and shall incorporate, subject to the necessary adaptations, the Lands Clauses Acts (except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845) and sections seventy-seven s & 9 Viet. c. 18. to eighty-five of the Railways Clauses Consolidation Act, 1845, s & 9 Viet. c. 20 but subject to this modification, that any question of disputed compensation shall be determined by a single arbitrator appointed by the Board, who shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those Acts with respect to arbitration shall, subject to the provisions of this schedule, apply accordingly.

(5) The order shall be published by the local authority in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired, and to the owners, lessees, and occupiers of that land as may be prescribed.

(6) If within the prescribed period no objection to the order has been presented to the Board by a person interested in the

land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the order, but, if such an objection has been presented and has not been withdrawn, the Board shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the local authority and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry.

(7) Where the land proposed to be acquired under the order consists of or comprises land situate in London, or a borough, or urban district, the Board shall appoint an impartial person, not in the employment of any Government Department, to hold the inquiry as to whether the land proposed to be acquired is suitable for the purposes for which it is sought to be acquired, and whether, having regard to the extent or situation of the land and the purposes for which it is used, the land can be acquired without undue detriment to the persons interested therein or the owners of adjoining land, and such person shall in England have for the purpose of the inquiry all the powers of an inspector of the Local Government Board, and, if he reports that the land, or any part thereof, is not suitable for the purposes for which it is sought to be acquired, or that owing to its extent or situation or the purpose for which it is used it cannot be acquired without such detriment as aforesaid, or that it ought not to be acquired except subject to the conditions specified in his report, then, if the Local Government Board confirm the order in respect of that land, or part thereof, or, as the case may require, confirm it otherwise than subject to such modifications as are required to give effect to the specified conditions, the order shall be provisional only, and shall not have effect unless confirmed by Parliament.

Where no part of the land is so situated as aforesaid, before confirming the order, the Board shall consider the report of the person who held the inquiry, and all objections made thereat.

(8) The arbitrator shall, so far as practicable, in assessing compensation act on his own knowledge and experience, but, subject as aforesaid, at any inquiry or arbitration held under this schedule the person holding the inquiry or arbitration shall hear, by themselves or their agents, any authorities or parties authorised to appear, and shall hear witnesses, but shall not, except in such cases as the Board otherwise direct, hear counsel or expert witnesses.

(9) The Board may, with the concurrence of the Lord Chancellor, make rules fixing a scale of costs to be applicable on an arbitration under this schedule, and an arbitrator under this schedule may, notwithstanding anything in the Lands Clauses

Acts, determine the amount of costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily and any other costs which he considers to have been caused or incurred unnecessarily.

(10) The remuneration of an arbitrator appointed under this schedule shall be fixed by the Board.

(11) In construing for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking.

(12) Where the land is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

(13) In this schedule the expression "Board" means the Local Government Board, and the expression "prescribed" means prescribed by the Board.

(14) The provisions of this schedule, except those relating to land belonging to an ecclesiastical benefice, shall apply to Scotland, subject to the following modifications:—

- (a) for the reference to section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845, there shall be substituted a reference to section one hundred and twenty of the Lands Clauses Consolidation (Scotland) Act, 1845, and for the reference to sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, there shall be substituted a reference to sections seventy to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845; 8 & 9 Vict. c. 19
8 & 9 Vict. c. 33.
- (b) for references to an arbitrator there shall be substituted references to an arbiter;
- (c) for the references to the Lord Chancellor there shall be substituted a reference to the Lord Advocate;
- (d) for the reference to the Local Government Board there shall be substituted a reference to the Local Government Board for Scotland, and for the reference to a borough or urban district there shall be substituted a reference to a burgh.

FOURTH SCHEDULE.

MATTERS TO BE DEALT WITH BY GENERAL PROVISIONS PRESCRIBED
BY THE LOCAL GOVERNMENT BOARD.

1. Streets, roads, and other ways, and stopping up, or diversion of existing highways.
2. Buildings, structures, and erections.
3. Open spaces, private and public.
4. The preservation of objects of historical interest or natural beauty.
5. Sewerage, drainage, and sewage disposal.
6. Lighting.
7. Water supply.
8. Ancillary or consequential works.
9. Extinction or variation of private rights of way and other easements.
10. Dealing with or disposal of land acquired by the responsible authority or by a local authority.
11. Power of entry and inspection.
12. Power of the responsible authority to remove, alter, or demolish any obstructive work.
13. Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.
14. Power of the responsible authority or a local authority to accept any money or property for the furtherance of the object of any town-planning scheme, and provision for regulating the administration of any such money or property and for the exemption of any assurance with respect to money or property so accepted from enrolment under the Mortmain and Charitable Uses Act, 1888.
15. Application with the necessary modifications and adaptations of statutory enactments.
16. Carrying out and supplementing the provisions of this Act for enforcing schemes.
17. Limitation of time for operation of scheme.
18. Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested by means of conferences, etc.
19. Charging on the inheritance of any land the value of which is increased by the operation of a town-planning scheme the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations, the provisions of any enactments dealing with charges for improvements of land.

FIFTH SCHEDULE.

Section 56.

1. Procedure anterior to and for the purpose of an application for authority to prepare or adopt a scheme :—

- (a) Submission of plans and estimates.
- (b) Publication of notices.

2. Procedure during, on, and after the preparation or adoption and before the approval of the scheme :—

- (a) Submission to the Local Government Board of the proposed scheme, with plans and estimates.
- (b) Notice of submission of proposed scheme to the Local Government Board.
- (c) Hearing of objections and representations by persons affected, including persons representing architectural or archaeological societies or otherwise interested in the amenity of the proposed scheme.
- (d) Publication of notice of intention to approve scheme and the lodging of objections thereto.

3. Procedure after the approval of the scheme :—

- (a) Notice to be given of approval of scheme.
- (b) Inquiries and reports as to the beginning and the progress and completion of works, and other action under the scheme.

4. Duty, at any stage, of the local authority to publish or deposit for inspection any scheme or proposed scheme, and the plans relating thereto, and to give information to persons affected with reference to any such scheme or proposed scheme.

5. The details to be specified in plans, including, wherever the circumstances so require, the restrictions on the number of buildings which may be erected on each acre, and the height and character of those buildings.

Appendix B.

HOUSING, TOWN-PLANNING, Etc., ACT, 1909.

PROCEDURE REGULATIONS OF THE LOCAL GOVERNMENT BOARD, MAY 3, 1910.

PROCEDURE ANTERIOR TO AND FOR THE PURPOSE OF AN APPLICATION FOR AUTHORITY TO PREPARE OR ADOPT A SCHEME.

Notices of intention to apply for authority to prepare or adopt a scheme : Deposit of Map No. 1 showing land proposed to be included:

ARTICLE 1.—(a) At least two months before making an application to the Local Government Board (hereinafter referred to as “ the Board ”) for authority to prepare a town-planning scheme, or for authority to adopt a town-planning scheme proposed by all or any of the owners of any land with respect to which the local authority might themselves have been authorised to prepare a scheme, the local authority shall serve upon the owners or reputed owners, lessees or reputed lessees, and occupiers of the land proposed to be included in the scheme, and upon the council of any borough or of any urban or rural district within which any part of that land is comprised, and also, if any main road is or may be affected by the proposed scheme, upon the County Council, a notice of their intention to make such application. The local authority shall also give notice of their intention to make such application by advertisement in some newspaper or newspapers circulating in the area of the local authority, and the advertisement shall be published at least two months before making the application.

(b) The local authority shall, not later than the date on which the first of the said notices is given, deposit at a place convenient for the purposes of inspection and shall keep deposited thereat, for a period not being less than one month from the date on which the latest of the said notices is given, a map of the land proposed to be included in the scheme. The said map (to be marked and known as “ Map No. 1 ”) shall be on the scale of 25·344 inches to the mile, and shall be open for inspection by any person interested, without payment of any fee, at all reasonable hours on any week-day during the said period. The local authority shall also make suitable provision for affording to any person inspecting the map any necessary explanation in regard thereto.

(c) The said notices shall describe the land proposed to be included in the scheme and shall state the place at which a map of the land is deposited and the period and times during which the same will be open for inspection by any person interested.

(d) A certified copy of Map No. 1 shall be furnished by the local

authority to the council of any borough or of any urban or rural district within which any part of the land proposed to be included in the scheme is comprised.

ARTICLE II.—With the view of securing that notice of the proposal to apply for authority to prepare or adopt a scheme in respect of any land shall be given at the earliest stage possible to any council interested in the land, the local authority, independently of the notices required to be given as aforesaid, shall, within seven days after they have decided to consider a proposal for authority to prepare or adopt a scheme in reference to any area of land, serve notice of their decision upon any council interested in the land.

Special notice
to councils
interested
(Section 56
(2) (b) of Act
of 1909).

ARTICLE III.—The local authority before making an application to the Board for authority to prepare or adopt a scheme shall consider any objections or representations made to them in writing in reference to the proposed scheme whether by owners or other persons interested in the land proposed to be included in the scheme, or by owners or other persons interested in any lands in the neighbourhood of the land proposed to be included in the scheme which may be affected by the scheme, or by the council of any borough or of any urban or rural district within which any part of the land proposed to be included in the scheme is comprised, or by any other council who may be interested in or affected by the scheme; and shall endeavour, by conferences between the local authority or their officers and such owners, persons, or councils and by any other means available, to secure the co-operation of such owners, persons, or councils in promoting the scheme.

Consideration
by local
authority of
objections, etc.
Conferences :
Meeting of
parties inter-
ested.

The local authority shall arrange for at least one meeting being held, at which all such owners, persons, or councils as aforesaid shall be entitled to attend or be represented, for the purpose of considering the proposed scheme. Notice of the time and place fixed for such meeting shall be served by the local authority upon all such owners, persons, or councils so far as they can ascertain the same, not less than fourteen days before the time fixed for the meeting.

The Mayor (if the local authority are the Town Council of a borough) or the chairman of the council (if the local authority are the London County Council or an Urban or Rural District Council) shall be the president of the said meeting, or, in the event of the Mayor or chairman being unable or unwilling to act, any person appointed for the purpose by the local authority shall be the president, or, in default of such appointment, the meeting shall choose some person present at the meeting to be president thereof. On opening the meeting the president, or a member or officer of the local authority, shall give such explanation of the proposed scheme as he thinks expedient.

Application to the Board to be by resolution : Map No. 2 to be prepared in connection with resolution.

ARTICLE IV.—(a) An application to the Board by a local authority for authority to prepare or adopt a scheme shall be made by a resolution of the local authority.

(b) The resolution shall define, by reference to a map prepared on a scale of not less than 25·344 inches to the mile (to be marked and known as “ Map No. 2 ”), the land in reference to which it is desired to prepare or adopt the scheme, and shall state whether the land is entirely within the area of the local authority or wholly or partly within a neighbouring area. In addition to any other particulars required by these Regulations to be shown thereon the said map shall show clearly by means of boundary lines sharply defined in colour the area of the land included in the proposed scheme, distinguishing between the parts of the land included within the area of the local authority and within the area of any other local authority. If the area of the land includes any piece of land already built upon or any piece of land not likely to be used for building purposes, any such lands shall be indicated on the map by distinctive colours and any necessary reference notes, and there shall also be shown on the map in like manner the positions of any buildings which have been erected on the land or of any buildings which are in course of erection.

(c) A copy of the resolution certified by the Clerk to the local authority shall be transmitted without delay to the Board by the Clerk, with a covering letter, and accompanied by a statement as to the total number of members of the local authority, the number who voted for the resolution, the number who voted against the resolution, the number who were present at the meeting but did not vote, and the number absent from the meeting.

Documents, etc., to accompany application : Map No. 3 to be prepared.

ARTICLE V.—The application to the Board shall be accompanied by :—

(a) The statutory declaration and exhibits required by Article XXXI. of these Regulations in proof of compliance with the requirements of Article I.

(b) Map No. 2 or a copy thereof duly certified by the Clerk to the local authority.

(c) A map on the scale of 1 inch to the mile (to be marked and known as “ Map No. 3 ”), showing, by distinguishing colours or boundary lines in colour, the district of the local authority, the land included in the proposed scheme, and the area within a distance of five miles from any part of the district of the local authority :

Provided that, if the scheme is proposed to be made or adopted by the council of a rural district, it shall not be obligatory that the map shall extend to the whole of the rural district, but it shall extend to the contributory place or places therein

in which any part of the land included in the scheme is comprised, and to the area within a distance of five miles from such place or places :

Provided also that, if in any case the land included in a scheme is wholly outside the district of the local authority, the map shall show at least the area within a distance of five miles from any part of such land.

(d) A copy of all objections made in writing in reference to the proposed scheme so far as the objections have not been withdrawn or removed.

(e) If the application relates to the adoption of a scheme proposed by owners, a copy of the scheme so proposed and a statement of any modifications which the local authority are of opinion should be made in the scheme.

ARTICLE VI.—If the application relates to the preparation of a scheme by the local authority there shall be shown on Map No. 2 the lines and widths of the principal roads which the local authority propose shall be made as part of the scheme, the connections of the proposed roads with existing roads, and the lines of any existing sewers or any existing pipes or mains for the supply of water, gas, or electricity. Any existing roads or ways which it would be necessary to stop up or divert shall also be indicated on the said map, and if the local authority contemplate that the scheme to be prepared shall provide for certain areas being used for the purpose of open spaces or for other special purposes those areas shall as far as possible be indicated on the said map.

Additional particulars to be shown on Map No. 2 in a case of preparation of scheme by local authority.

ARTICLE VII.—If the application relates to the adoption of a scheme proposed by owners of land there shall be shown on Map No. 2 the lines and widths of all roads proposed as part of the scheme, the connections of the proposed roads with existing roads, and the lines of any existing sewers or any existing pipes or mains for the supply of water, gas, or electricity. Any existing roads or ways which it is proposed to stop up or divert shall be indicated on the said map, which shall also indicate the areas proposed by the scheme to be allocated for the purpose of open spaces, private or public, or to be used for any other special purposes. The said map shall also show all such further particulars in relation to the scheme proposed to be adopted as are suitable for indication thereon, *e.g.*, any proposals as to lines of sewers, or of pipes or mains for the supply of water, gas, or electricity.

Additional particulars to be shown on Map No. 2 in a case of adoption of scheme by local authority.

ARTICLE VIII.—In connection with an application for authority to prepare or adopt a scheme, the local authority shall furnish the Board with a statement or statements giving the particulars and information hereinafter indicated :—

Information to be furnished to the Board in connection with all applications.

(a) A general description of the scheme including information

as to the general character of the land proposed to be included in the scheme, the extent to which the scheme applies to land in course of development, the extent to which it applies to land likely to be used for building purposes, and, as regards the last-mentioned land, the grounds for considering that the land is likely to be so used.

(b) The reasons on which the local authority rely in support of their application.

(c) If the scheme includes land already built upon or land not likely to be used for building purposes, the reasons which, in the opinion of the local authority, render it necessary or desirable to include such lands in the scheme; particulars of the buildings on the lands; such information as the local authority may be in a position to give in regard to the extent to which it would be necessary to provide for the demolition or alteration of the buildings for the purpose of carrying the scheme into effect; and, as regards any land not likely to be used for building purposes, the grounds on which it is considered that such land would not be so used.

(d) Information as to the arrangements in operation in the area of the local authority in regard to sewerage, drainage and sewage disposal, water supply and lighting, and the like information in regard to the area of any other local authority in which any part of the land included in the scheme is comprised, and also information to show to what extent the arrangements as to sewerage, drainage, and sewage disposal would be available or would require alteration or modification for the purposes of the area included in the scheme. If any company, whether statutory or otherwise, is supplying or has power to supply water, gas, or electricity in the area included in the scheme, it should be so stated and particulars given in regard thereto.

(e) If the area of the land included in the scheme is not wholly within the area of the local authority making the application, information shall be supplied as to the proposals in regard to the authority who are to be responsible for enforcing the observance of the scheme and for the execution of any works which under such scheme, or under Part II. of the Act of 1909, may have to be executed by a local authority.

(f) Information as to any monuments or ancient monuments, within the meaning of the Ancient Monuments Protection Acts, 1882 to 1900, situate within the area included in the scheme, and as to the manner in which they would be affected.

(g) If any land or property of any Government Department would be affected by the scheme, particulars in regard to any such property and as to the Government Departments concerned.

ARTICLE IX.—In connection with an application for authority to adopt a scheme, the local authority shall furnish the Board with a statement or statements giving the additional particulars and information hereinafter indicated :—

Additional information to be furnished to the Board in a case of adoption of scheme by local authority.

(a) The names and addresses of the owners, lessees, and occupiers of each parcel of the land included in the scheme, and the approximate extent of each such parcel.

(b) Information showing in what respects the proposals in the scheme would involve the suspension of any statutory enactments, byelaws, regulations or other provisions which are in operation in the area included in the scheme.

(c) Information as to the extent to which it may be contemplated or necessary under the scheme that land included in the scheme shall be acquired (1) by the local authority making the application or (2) by any other local authority.

(d) Definite information as to whether any of the owners by whom the scheme is proposed will, in the event of the scheme being adopted by the local authority and approved by the Board, claim compensation on the ground that his property would be injuriously affected by the making of the scheme ; and particulars of any information in the possession of the local authority in regard to the probability of any other person making a claim for compensation on that ground.

(e) If, in the opinion of the local authority, any property will be increased in value by the making of the proposed scheme, information as to such property and as to the estimated increase in value.

ARTICLE X.—(a) In connection with an application for authority to prepare or adopt a scheme the local authority shall state as nearly as may be practicable the estimated cost of carrying out the scheme, so far as the cost is expected to be borne by (1) the local authority making the application, and (2) any other local authority. The local authority shall also furnish the Board with such information as they may require as to the manner in which the estimated cost is arrived at.

Estimate as to cost of scheme : Information as to area, population, rates, debt, etc.

(b) Subject to the proviso hereinafter contained, the local authority shall also furnish a statement showing the following particulars with respect to the district of the local authority, that is to say :—

(i) the acreage ;

(ii) the population according to the last census ;

(iii) the rateable value for the purposes of the poor rate ;

(iv) the amount in the £ of every rate levied during the three last preceding financial years ;

(v) the amount of the balances of the outstanding loans contracted by the local authority and the sum included in such amount in respect of loans for sanitary purposes ; and

(vi) the amount of the loans sanctioned but not raised though proposed to be raised, and the sum included in such amount in respect of loans for sanitary purposes :

Provided that if it is proposed that the cost of the scheme to be borne by the local authority shall be charged upon any contributory place or places in their district the particulars required under heads i, ii, iii and iv hereof shall be given with respect to such place or places only.

(c) If any part of the cost of the scheme is expected to be borne by a local authority other than the local authority making the application, the first-mentioned local authority shall make a statement showing in regard to their district the several particulars indicated in paragraph (b) of this Article, and shall supply the same to the last-mentioned local authority, who shall transmit it to the Board with the said application.

Notice by advertisement of application having been made to the Board.

ARTICLE XI.—When the local authority have transmitted to the Board an application for the approval of the Board to the preparation or adoption of a scheme, the local authority shall forthwith give notice of such application and of the date of the resolution making the application by advertisement in some newspaper or newspapers circulating in the area of the local authority.

PROCEDURE DURING, ON, AND AFTER THE PREPARATION OF ADOPTION AND BEFORE THE APPROVAL OF THE SCHEME.

Notices of authority having been given to prepare or adopt a scheme, and of intention to prepare or adopt a scheme :
Persons desiring to be heard to give notice to local authority.

ARTICLE XII.—(a) When authority has been given by the Board to the preparation by a local authority of a scheme with reference to any land or to the adoption by a local authority, with or without modifications, of a scheme proposed by owners of land, the local authority shall forthwith serve upon the owners or reputed owners, lessees or reputed lessees, and occupiers of the land in reference to which authority to prepare or adopt a scheme has been so given, and upon the council of any borough or of any urban or rural district within which any part of that land is comprised, and also, if any main road is or may be affected by the scheme, upon the County Council, a notice that such authority has been given and that a copy of the Order or instrument giving such authority may be inspected, and any necessary explanation or information in regard thereto may be obtained, without payment of any fee, at a place which shall be specified in the notice, at all reasonable hours (specifying the same) on any week-day pending the preparation or adoption of the scheme. They shall also give notice to the same effect by advertisement in some newspaper or newspapers circulating in the area of the local authority.

(b) If the land in reference to which authority to prepare or adopt a scheme has been given as aforesaid excludes any land in regard to which an application under Article IV. of these Regulations was made to the Board, the local authority shall serve notice of the exclusion of such land upon the owners or reputed owners, lessees or reputed lessees, and occupiers of such excluded land and upon the council of any borough or of any urban or rural district within which any part of the excluded land is comprised, and also, if any main road would or might have been affected by the inclusion of the excluded land, upon the County Council.

(c) The notices to be served on owners or other persons or to be given by advertisement under paragraph (a) of this Article shall also state that the local authority propose to prepare a scheme or, as the case may be, to adopt with or without modifications the scheme proposed by owners, and that any person interested or affected desiring to be heard in reference to such proposal, including any persons representing architectural or archaeological societies or otherwise interested in the amenity of the proposed scheme, should give notice in writing to the Clerk to the local authority within twenty-one days from the date of the notice.

(d) The local authority shall make suitable provision for affording to any person interested or affected inspecting the Order or instrument of the Board giving authority to prepare or adopt a scheme any necessary explanation or information in regard thereto.

ARTICLE XIII.—In connection with the preparation or adoption of a scheme the local authority shall carefully consider all objections and representations made to them in writing by any persons or councils interested or affected, including persons representing architectural or archaeological societies or otherwise interested in the amenity of the proposed scheme.

Consideration by local authority of objections, etc.

ARTICLE XIV.—When the local authority have fully considered and developed their proposals and have decided to prepare a scheme in regard to an area of land in respect of which they have been authorised to prepare a scheme, they shall cause to be printed a draft scheme embodying their proposals and shall cause a map or, if the case so require, maps (to be marked and known as "Map No. 4" or "Map No. 4 (A)," "Map No. 4 (B)," etc.) to be prepared on a scale of not less than 25·344 inches to the mile, showing clearly by means of boundary lines sharply defined in colour the area of the land included in the proposed scheme distinguishing between the parts of the land included within the area of the local authority and within the area of any other local authority, and also showing thereon all such particulars and details in relation to the proposed scheme as can conveniently be indicated thereon by the aid of reference letters or numbers,

Preparation of scheme by local authority: Draft scheme to be printed and Map No. 4 to be prepared showing details of proposals.

descriptive notes, distinguishing colours, or otherwise; and especially there shall be indicated and distinguished on the said map or maps :—

Existing main roads ;

Roads repairable by the inhabitants at large ;

Roads or footways over which the public have a right of way ;

Roads on which tramways or light railways (a) have been constructed or (b) are authorised to be constructed ;

Roads which the local authority propose shall be made as part of the scheme, indicating the widths thereof and any proposals as to the parts thereof to be appropriated or set apart for special purposes, and the connections of such roads with existing roads ;

Roads or ways which it is proposed to stop up or divert ;

Land already built upon ;

Land not likely to be used for building purposes ;

Land proposed to be allocated for use as open spaces, (a) private or (b) public ;

Land to be used for any other purposes, including, *e.g.*, buildings for manufacturing purposes or buildings of a special character in reference either to the purposes to which they are to be applied or to their height or otherwise, indicating any restrictions proposed as to the number of buildings which may be erected on any portion of land or each acre in any portion of land ;

Land to be acquired by the local authority for any purpose ;

Lines of any existing sewers or any existing pipes or mains for the supply of water, gas, or electricity.

Proposals as to lines of sewers or of pipes or mains for supply of water, gas, or electricity.

Adoption of scheme by local authority :
Scheme of owners to be printed and also memorandum of any modifications proposed and Map No. 4 to be prepared showing details of proposals.

ARTICLE XV.—When the local authority have fully considered the scheme proposed by owners in respect of an area of land in regard to which the local authority have been authorised to adopt a scheme with or without modifications and have decided to adopt the same with or without modifications, they shall cause to be printed a copy of the scheme proposed by owners, and shall prepare and cause to be printed a memorandum of all modifications which they propose should be made in such scheme and shall obtain from the owners or shall themselves provide a map or maps (to be marked and known as “Map No. 4” or “Map No. 4 (A),” “Map No. 4 (B),” etc.) on a scale of not less than 25·344 inches to the mile, showing thereon all such particulars and details as are required to be shown on the map or maps referred to in Article XIV. of these Regulations.

ARTICLE XVI.—(a) At least one month before deciding upon the scheme to be submitted to the Board for approval, whether in regard to a scheme prepared by the local authority or a scheme proposed by owners and proposed to be adopted by the local authority, the local authority shall serve upon the owners or reputed owners, lessees or reputed lessees, and occupiers of the land included in the scheme and upon the council of any borough or of any urban or rural district within which any part of the said land is comprised, and also, if any main road is or may be affected by the scheme, upon the County Council, a notice that a draft scheme has been prepared by the local authority or (as the case may be) that the local authority intend to adopt a scheme proposed by owners, and that it is proposed to submit the same, with or without modifications, to the Board for approval; and shall also give notice of such proposal by advertisement in some newspaper or newspapers circulating in the area of the local authority, and the advertisement shall be published at least one month before deciding upon the scheme to be submitted to the Board.

Notices of scheme prepared or of scheme intended to be adopted by local authority : Deposit of draft scheme, etc., and of Map No. 4 for inspection.

(b) The local authority shall, not later than the date on which the first of the said notices is given, deposit at a place convenient for the purposes of inspection and shall keep deposited thereat, for a period not being less than twenty-one days from the date on which the latest of the said notices is given, the draft scheme and the map or maps referred to in Article XIV. of these Regulations or (as the case may be) the scheme and memorandum and the map or maps referred to in Article XV. of these Regulations, and the same shall be open for inspection by any persons interested or affected, without payment of any fee, at all reasonable hours on any week-day during the said period. The local authority shall also make suitable provision for affording to any such person inspecting the said documents and maps any necessary explanation or information in regard thereto.

(c) The said notices shall describe the land proposed to be included in the scheme, and shall state the place at which the documents and maps referred to in paragraph (b) of this Article are deposited and the period and times during which the same will be open for inspection by any persons interested or affected. The notices shall state that the local authority will be prepared to consider any objections or representations which may be made to them in writing during the said period, and the notice to be given by advertisement shall also state that the local authority will be prepared to consider any objections or representations made in writing by any persons affected, including any persons representing any architectural or archaeological society or otherwise interested in the amenity of the proposed scheme.

ARTICLE XVII.—Article III. of these Regulations shall apply also in regard to procedure before the local authority decide upon

Application of Article III. of Regulations.

the scheme to be submitted to the Board for approval, whether in regard to a scheme prepared by the local authority or a scheme proposed by owners and proposed to be adopted by the local authority.

Making or adoption of scheme to be by Order of local authority and Map No. 5 to be sealed in connection with the Order.

ARTICLE XVIII.—When the local authority have decided upon the scheme to be submitted to the Board for their approval, whether in regard to a scheme prepared by the local authority or a scheme proposed by owners and proposed to be adopted by the local authority, they shall make an Order under their seal, authenticated by the signature of their Clerk or deputy Clerk, making the scheme, or (as the case may be) adopting the scheme proposed by owners with such modifications as may have been decided upon by the local authority.

A map or, if the case so require, maps prepared in the manner and containing the particulars and details required by Article XIV. of these Regulations, but to be marked and known as “Map No. 5” or “Map No. 5 (A),” “Map No. 5 (B),” etc., shall be sealed with the seal of the local authority in connection with the Order :

Provided that if the map or maps required by this Article to be prepared and sealed in connection with the Order would be identical in all respects with the map or maps prepared in accordance with Article XIV. or (as the case may be) Article XV. of these Regulations, the last-mentioned map or maps may, if the local authority think fit, be used for the purposes of this Article, but if so used they shall also be marked as indicated in this Article as well as in the manner required by Article XIV. or Article XV.

Application to the Board to approve scheme to be by resolution.

ARTICLE XIX.—An application to the Board to approve the scheme as made or adopted by the local authority by an Order in pursuance of Article XVIII. of these Regulations shall be made by a resolution of the local authority ; and a copy of the resolution, certified by the clerk to the local authority, shall be transmitted without delay to the Board by the clerk, with a covering letter, and accompanied by a statement as to the total number of members of the local authority, the number who voted for the resolution, the number who voted against the resolution, the number who were present at the meeting but did not vote, and the number absent from the meeting.

Documents, etc., to accompany application for approval of a scheme : Map No. 6 and Map No. 7 to be prepared.

ARTICLE XX.—When the local authority transmit to the Board the resolution of the local authority requesting the approval of the Board to the scheme as made or adopted by the local authority, they shall transmit to the Board :—

(a) The statutory declarations and exhibits required by Article XXXI. of these Regulations in proof of compliance with the requirements of Articles XII. and XVI.

(b) A sealed copy and three other copies of the Order of the local authority containing the scheme as made or adopted by them, and a certified copy of every map referred to in the Order.

(c) A map on the scale of 6 inches to the mile to be marked and known as "Map No. 6," showing, by distinguishing colours or boundary lines in colour, the district of the local authority and the land included in the scheme :

Provided that, if the scheme is made or adopted by the council of a rural district, it shall not be obligatory that the map shall extend to the whole of the rural district, but it shall extend to the contributory place or places therein in which any part of the land included in the scheme is comprised :

Provided also that, if in any case the land included in a scheme is wholly outside the district of the local authority, the map shall show all the area intervening between that land and the district of the local authority.

There shall also be shown on the map by some distinctive colours and any necessary reference notes all recreation grounds or public open spaces and public elementary schools in the area required to be shown on the map, and also the buildings which have been erected in that area up to the time when the map is sent to the Board, distinguishing so far as regards the land included in the scheme the buildings begun to be erected after the application was made to the Board for their approval to prepare or adopt the scheme.

(d) A map on a scale of not less than 25·344 inches to the mile, or a plan drawn to some larger scale (to be marked and known as "Map No. 7") showing the area of the land included in the scheme so divided as to indicate as nearly as may be the portions of such land belonging to different owners. The map or plan shall show as regards each portion of the land the name of the owner, or shall bear numbers having reference to a statement, to be annexed to the map or plan, showing the names of the owners.

(e) A copy of all objections made in writing in reference to the scheme so far as the objections have not been withdrawn or removed in the scheme as finally prepared or adopted by the local authority.

ARTICLE XXI.—(a) The local authority shall furnish the Board with a statement or statements giving in regard to the scheme prepared or adopted by the local authority the particulars and information indicated in Articles VIII. and IX. of these Regulations so far as such particulars and information are not contained in the scheme.

Information to be furnished to the Board in connection with an application for approval of a scheme.

The said particulars and information shall be given in regard to every scheme whether prepared by the local authority or adopted by them ;

Provided that where the particulars and information furnished to the Board in accordance with Article VIII. or Article IX. or any division of either of those Articles represent fully and accurately the particulars and information required by this Article in regard to the scheme as prepared or adopted by the local authority it shall be sufficient if a reference be made to the particulars and information previously furnished under Article VIII. or Article IX. or any division thereof.

(b) The local authority shall also furnish the Board with a statement or statements giving the particulars and information indicated below so far as they are not contained in the scheme :—

(i.) Information to show whether the scheme admits of satisfactory provision being made in regard to the supply of water, gas, or electricity within the area included in the scheme.

(ii.) Information in regard to any tramways or light railways constructed or authorised to be constructed in the area included in the scheme or in the immediate neighbourhood thereof.

(iii.) In regard to any lands proposed to be acquired by (a) the local authority submitting the scheme or (b) any other local authority, any information available as to the probability of the lands being acquired by agreement.

(iv.) Particulars in regard to any land included in the scheme which belongs to (a) the local authority submitting the scheme or (b) any other local authority ; the purposes for which and the authority under which such land was acquired or is held ; and also information as to any proposal in regard to its use for any other purposes under the scheme.

(v.) If the local authority are of opinion that any property will be injuriously affected by the making of the scheme, within the meaning of the Act of 1909, information, so far as it is practicable to give the same, in regard to such property and as to the extent to which the local authority consider that it may be injuriously affected.

(vi.) Detailed particulars of any works which are to be executed under the scheme by any person or local authority, so far as any such particulars are available.

(vii.) If the scheme contains provisions suspending any enactment contained in a public general Act, a full explanation of any such provisions and the reasons which are considered to justify their insertion.

(viii.) If the scheme contains provisions suspending any other statutory enactments, byelaws, regulations or other provisions

which are in operation in the area included in the scheme, a full explanation of any such provisions and the reasons which are considered to justify their insertion.

(ix.) Particulars of any land forming part of any common, open space, or allotment, within the meaning of Section 73 of the Act of 1909, which is within the area included in the scheme, and of any part of that land which under the scheme is authorised to be acquired or appropriated to any other purpose, and particulars in regard to any land proposed to be given in exchange for the land so to be acquired or appropriated ;

(x.) Particulars of any land included in the scheme which is situate within the distance prescribed by Regulations made by the Board under Section 74 of the Act of 1909 from any of the royal palaces or parks.

ARTICLE XXII.—(a) In connection with an application to the Board for their approval of the scheme prepared or adopted by the local authority, information shall be furnished in regard to the estimated cost of carrying out the scheme, so far as the cost is to be borne by (1) the local authority making the application and (2) any other local authority. Separate particulars shall be given under the following heads :—

Estimate and particulars as to cost of scheme : Information as to area, population, rates, debt, local Acts, orders, byelaws, etc.

EXPENDITURE.

Purchase of land for open spaces.

Purchase of land for other purposes, specifying them.

Purchase of buildings.

Demolition or alteration of buildings.

Compensation in respect of property injuriously affected by the scheme.

Making or alteration of roads or ways.

Sewerage or drainage.

Cost of preparing the scheme.

Other purposes, specifying them.

RECEIPTS.

In respect of property increased in value.

From other sources, specifying them.

(b) If the statement or statements of particulars furnished under Article X. (b) or (c) of these Regulations has or have owing to lapse of time or other circumstances become inaccurate in any material respect, an amended statement or amended statements of such particulars shall be supplied.

(c) There shall also be supplied a list and a copy of all local Acts, Provisional Orders, byelaws, or regulations in force in the area of any local authority any part of whose district is included in the scheme ; and in the case of any part of a district other than that of the local authority making the application to the Board being

so included, such list and copy shall be supplied by the local authority of that district to the local authority making the application, who shall transmit them to the Board.

Notice by advertisement of submission of scheme to the Board : Objections, etc., may be made to the Board.

ARTICLE XXIII.—When the local authority have submitted to the Board for their approval the scheme prepared or adopted by the local authority they shall forthwith give notice of such submission by advertisement in some newspaper or newspapers circulating in the area of the local authority. The notice shall also state that a copy of the scheme submitted to the Board may be inspected by persons affected, including persons representing architectural or archaeological societies or otherwise interested in the amenity of the scheme, at a place to be specified in the notice, without payment of any fee, at all reasonable hours (specifying the same) on any week-day within a period of one month from the date of the notice and that any objections and representations by any such persons should be made in writing and addressed to the Board, at their Office, within the said period. A copy of the newspaper or newspapers containing such advertisement shall be forwarded to the Board by the Clerk to the local authority.

Notices of modifications or conditions proposed by the Board : Objections, etc., may be made to the Board.

ARTICLE XXIV.—(a) If the Board propose to make any modifications in, or to attach any conditions to, the scheme submitted for their approval and transmit to the local authority a draft Order for approving the scheme with such modifications and conditions, the local authority shall within fourteen days after the receipt of the draft Order serve a copy of the draft Order upon the owners or reputed owners, lessees or reputed lessees, and occupiers of the land included in the scheme and upon the council of any borough or of any urban or rural district within which any part of the said land is comprised, and also, if any main road is affected, upon the County Council, together with a notice that any objections or representations in regard to such modifications and conditions should be made in writing and addressed to the Board at their Office within a period of one month from the date of the serving of such draft Order and notice.

(b) The local authority shall also within fourteen days after the receipt of the draft Order give notice by advertisement in some newspaper or newspapers circulating in the area of the local authority that the Board have caused a draft Order to be prepared for approving the scheme subject to modifications or conditions, that a copy of the draft Order may be inspected and any information in regard thereto may be obtained, without payment of any fee, at a place which shall be specified in the notice, at all reasonable hours (specifying the same) on any week-day during the period of one month from the date of the notice, and that any objections or representations in regard to such modifications and conditions should be made in writing and addressed to the Board

at their Office within a period of one month from the date of the notice.

(c) The local authority shall furnish the Board within a period of one month from the receipt of the draft Order for approving the scheme with modifications or subject to conditions any objections or representations which they may desire to make in regard to the proposed modifications and conditions, and shall also within the same period transmit to the Board the statutory declaration and exhibits required by Article XXXI. of these Regulations in proof of compliance with the requirements of this Article.

ARTICLE XXV.—(a) When the Board have decided to approve the scheme submitted for their approval, with or without modifications, and notify the local authority of the decision and transmit to the local authority a draft Order for approving the scheme, the local authority shall within fourteen days after the receipt of such notification give notice by advertisement in some newspaper or newspapers circulating in the area of the local authority that the Board intend to approve the scheme and propose, after the receipt by the Board of a copy of the newspaper or newspapers containing the advertisement, to publish forthwith in the London Gazette, in accordance with sub-section (4) of Section 54 of the Act of 1909, a notice of such their intention, and that any person or authority interested and deciding to object to the scheme being approved should make his or their objection in the manner prescribed by Article XXVI. of these Regulations within twenty-one days from the date of such publication in the London Gazette.

Notice by advertisement of intention of the Board to approve scheme and to publish notice of such intention in London Gazette.

(b) A copy of the newspaper or newspapers containing the advertisement shall be forwarded to the Board by the Clerk to the local authority immediately on the publication thereof.

(c) The local authority shall deposit at a place convenient for the purposes of inspection and shall keep deposited thereat the draft Order forwarded to them under this Article, for the full period of twenty-one days from the date of the said publication in the London Gazette, and the draft Order shall be open for inspection by any person interested without payment of any fee, at all reasonable hours on any week-day during the said period.

ARTICLE XXVI.—When the notice of the intention of the Board to approve a scheme has been published in pursuance of sub-section (4) of Section 54 of the Act of 1909, any person or authority interested and deciding to object to the scheme being approved shall make his or their objection in the following manner, that is to say :—

Prescribing manner of objection to approval of scheme under and for the purposes of section 54 (4) of the Act of 1909.

The objection shall be made to and be brought before the Board by means of a letter, or other representation in writing, which shall be addressed and posted, or shall be otherwise given,

sent, or delivered to the Board at their Office. The letter or representation shall indicate clearly the scheme to which the objection is taken, and shall state fully in what respects the person or authority objecting claims or claim to be interested in the scheme and the grounds on which the objection is made.

PROCEDURE AFTER THE APPROVAL OF THE SCHEME.

Notices of approval of scheme by the Board.

ARTICLE XXVII.—(a) The local authority, on receipt of a copy of the Order of the Board approving a scheme, shall without delay first publish notice of the approval of the scheme by advertisement in some newspaper circulating in the area of the local authority. The notice shall state that the scheme has been approved, with or without modifications or conditions as the case may be, and that the Order of the Board giving the approval and a copy of any map or plan referred to in the Order or scheme may be inspected and any necessary explanation or information in regard thereto may be obtained without payment of any fee at a place which shall be specified in the notice at all reasonable hours (specifying the same) on any week-day during the period of three months after the date of the Order. They shall also, not earlier than the second day after the first publication in a newspaper as aforesaid, serve upon the owners or reputed owners, lessees or reputed lessees, and occupiers of the land included in the scheme, and upon the council of any borough or of any urban or rural district within which any part of the said land is comprised, and also, if any main road is or may be affected by the scheme upon the County Council, a copy of the Order approving the scheme and a notice that a copy of any map or plan referred to in the Order or scheme may be inspected, and any necessary explanation or information in regard thereto may be obtained as above mentioned.

(b) The local authority shall make suitable provision for affording any person inspecting the Order or scheme or any map or plan referred to therein within the said period any necessary explanation or information in regard thereto.

(c) The local authority shall within fourteen days after the receipt of the said Order transmit to the Board the statutory declaration and exhibits required by Article XXXI. of these Regulations in proof of compliance with the requirements of paragraph (a) of this Article.

GENERAL.

Notices, etc. to Board of Agriculture and Fisheries and to Commissioner of Works in certain cases

ARTICLE XXVIII.—Wherever in these Regulations any notice or Order or scheme or draft Order or scheme is required to be served by the local authority upon any owner of land, the local authority shall send a like notice or Order or scheme or draft Order or scheme to the Board of Agriculture and Fisheries at their

Office if in the scheme or proposed scheme there is any provision for the acquisition or appropriation to any other purpose of any land forming part of any common, open space or allotment within the meaning of Section 73 of the Act of 1909, and to the Commissioners of Works if any land included in the scheme or proposed scheme is situate within the distance prescribed by Regulations made by the Board under Section 74 of the Act of 1909 from any of the royal palaces or parks.

ARTICLE XXIX.—Where in a scheme proposed to be prepared or adopted by a local authority any land is proposed to be included on which tramways or light railways are constructed or are authorised to be constructed, the local authority shall, when they give the notices required to be given under Article I. of these Regulations, also give notice to the Board of Trade and, as regards light railways, to the Light Railway Commissioners, of the intention of the local authority to apply for authority to prepare or (as the case may be) to adopt a scheme in regard to the said land, and shall from time to time thereafter furnish all such information as the Board of Trade or the Light Railway Commissioners may require in regard to the proposals so far as any tramways or light railways or an authorised route of any tramways or light railways may be affected.

Notices, etc.,
to Board of
Trade and to
Light Railway
Commissioners
in certain cases.

ARTICLE XXX.—A notice required to be served in pursuance of these Regulations shall be served :—

Service of
notices.

(a) by delivery of the same personally to the person required to be served, or, if such person is absent abroad or cannot be found, to his agent ; or

(b) by leaving the same at the usual or last known place of abode of such person as aforesaid ; or

(c) by post addressed to the usual or last known place of abode of such person ; or

(d) in the case of a notice required to be served on a local authority or corporate body or company, by delivering the same to their clerk or secretary or leaving the same at his office with some person employed there, or by post addressed to such clerk or secretary at his office :

Provided that if the owner of any land is not known to and after diligent inquiry cannot be found by the local authority then the notice may be served by leaving it, addressed to the owner, with some occupier of the land, or, if there be not an occupier, then by causing it to be put up on some conspicuous part of the land :

Provided also that a notice required to be given to an occupier may be addressed by the description of the " occupier " of the

land or premises (describing it or them) in respect of which the notice is given, without further name or description.

Proofs of compliance with certain Regulations to be furnished by statutory declarations.

ARTICLE XXXI.—Proofs of compliance with the requirements of Articles I., XII., XVI., XXIV., and XXVII. of these Regulations as extended by Articles XXVIII. and XXIX. shall to the extent herein mentioned be furnished to the Board by statutory declarations made by the Clerk to the local authority or other person competent to make the same. The declarations shall in each case specify the manner in which the notices required by those Articles to be served upon owners, lessees, and occupiers, and upon any other local authority or council, were served, and the names of the persons so served, and shall also show that the other requirements of those Articles as to notices required to be given and as to the deposit of maps or plans or any documents required to be deposited have been duly complied with. There shall also be annexed to the declarations as exhibits:—

In regard to Article I.,—

(1) a copy of the form of notice served, (2) a copy of the map deposited for inspection, and (3) a copy of each newspaper containing the advertisement.

In regard to Article XII.,—

(1) copies of the forms of notices served, and (2) a copy of each newspaper containing the advertisement.

In regard to Article XVI.,—

(1) a copy of the form of notice served, (2) a copy of each newspaper containing the advertisement, (3) a statement showing the several parcels of land in respect of which notice was served upon each owner, lessee and occupier, (4) a copy of the draft scheme prepared by the local authority and deposited for inspection, or (4A) a copy of the scheme proposed by owners and deposited for inspection, together with a copy of any memorandum prepared by the local authority of modifications in such scheme and deposited with the scheme for inspection, and (5) copies of the maps deposited for inspection.

In regard to Article XXIV.,—

(1) a copy of the form of notice served, and (2) a copy of each newspaper containing the advertisement.

In regard to Article XXVII.,—

(1) a copy of the Order, (2) a copy of the form of notice served, and (3) a copy of the newspaper containing the advertisement.

Provisions as to maps.

ARTICLE XXXII.—(a) The maps required in pursuance of these Regulations shall be Ordnance Maps wherever such maps are published in respect of the district or area in relation to which the maps are required, shall be on a scale not less than that speci-

fied in each case, shall be mounted on linen and folded in book form, and shall have a scale properly drawn thereon.

(b) Any person interested in or affected by any scheme or proposed scheme shall be entitled to a copy of or extract from any map or plan required in pursuance of these Regulations, on payment of a reasonable fee to be determined by the local authority, and shall be entitled to inspect at all reasonable times any map or plan referred to in Article XXVII. of these Regulations. Any fees received by the local authority shall be carried to the credit of the fund liable to be charged with the expenses of the local authority in connection with the scheme.

ARTICLE XXXIII.—The local authority shall prepare and furnish to the Board all such maps, plans, sections, elevations and specifications, and all such particulars or information as the Board shall require to be prepared and furnished in connection with any scheme or proposed scheme at any stage of the proceedings in relation thereto.

Local authority to furnish all information, etc., required by the Board.

ARTICLE XXXIV.—Where the Board are satisfied that there is reasonable cause for dispensing, either conditionally or unconditionally, with compliance with any requirement of these Regulations, or for varying any such requirement, the Board may, by Order or otherwise as they may think fit, give the necessary dispensation, or may make and give effect to the necessary variation and to any incidents or consequences of that variation; and, in the case of any such dispensation when given subject to any condition, or in the case of any such variation, the local authority or other authorities or persons, as the case may be, shall comply in all respects with the condition or variation and with any requirement of the Order or other writing or direction of the Board giving the dispensation or making the variation as if the condition, variation or requirement formed part of these Regulations:

Board may consent to departures from Regulations.

Provided that the Board shall not exercise their powers under this Article in such a manner as to dispense with any provisions of these Regulations which are necessary to give effect to the requirements of the Act of 1909 or as to so vary any such provisions that they would cease to give effect to those requirements.

ARTICLE XXXV.—In these Regulations “the Act of 1909” means the Housing, Town-Planning, etc., Act, 1909.

Interpretation.

ARTICLE XXXVI.—These regulations may be cited as the Town-Planning Procedure Regulations (England and Wales), 1910.

Short title.

Given under the Seal of Office of the Local Government Board, this Third day of May, in the year One thousand nine hundred and ten.

(L.S.)

JOHN BURNS.

President.

H. C. MONRO.
Secretary.

Appendix C.

THE HAMPSTEAD GARDEN SUBURB ACT, 1906.

ARRANGEMENT OF SECTIONS.

Preamble.

5 Edw. VII. cap. cevi.

	Section
Short Title	1
Rules as to building	2
Bye-laws	3
Power to make Charges	4
Power to make roads and Agreements with Local Authorities in respect thereto	5

AN ACT to confer Powers upon the HAMPSTEAD GARDEN
SUBURB TRUST LIMITED for the purpose of enabling that
Company to develop and lay out Lands as Garden Suburbs.

[ROYAL ASSENT, AUGUST 4, 1906.]

Short Title. 1.—This Act may be cited as “ The Hampstead Garden Suburb
Act 1906.”

Rules as to
building. 2.—(1) There shall not be built in the Garden Suburb on the
average throughout a greater proportion of houses to the acre
than eight.

(2) On every road in the Garden Suburb (whatever the width
of the said road) there shall be between any two houses standing
on opposite sides of the road a space of not less than fifty feet
free of any buildings except walls, fences, or gates.

Bye-laws. 3.—With respect to any gardens, recreation grounds, or open
spaces provided by the Company for the common use of the
inhabitants of any dwellings in the Garden Suburb, the Company
may make bye-laws for the regulation thereof and for fixing the
days and times of admission thereto and for the preservation of
order and the prevention of nuisances therein, and may by such
bye-laws impose penalties not exceeding five pounds for breaches
thereof. Provided that such bye-laws shall not be of any force
or effect unless or until the same shall have been approved by
the Secretary of State for the Home Department, which approval
the Secretary of State is hereby empowered to give.

In making bye-laws under this Section regard shall be had by the Company to the views of the local authority of the district and of the inhabitants of the Garden Suburb, or such of them as may be affected by the bye-laws.

One month before the Company apply to the Secretary of State for approval of any bye-laws under this Section they shall give public notice of the bye-laws in such manner as the Secretary of State may direct, and shall send a copy to the Local Authority of the district.

4.—The Company may make such charges for the use of buildings, gardens, recreation grounds and open spaces as they may think fit. Power to make charges.

5.—(1) The Company may in the Garden Suburb make form and lay out roads of such width and in such manner and with or without such footways, riding tracks, and grass margins, as they may think fit, but the following provisions shall have effect in relation to such roads (that is to say):— Power to make roads and Agreements with Local Authorities in respect thereto.

(a) Any road not exceeding five hundred feet in length, constructed primarily for the purpose of giving access to a group of houses in the Garden Suburb and not designed for purposes of through traffic (in this Section referred to as “an accommodation road”), may with the consent of the Urban District Council of Hendon (hereafter referred to as “the Local Authority”) be exempt from any operation of any bye-laws of the Local Authority relating to the width of new streets and to footways, but shall be subject nevertheless to all other bye-laws of the Local Authority so far as such bye-laws are applicable, provided that no such accommodation road shall be of less width than twenty feet ;

(b) The provisions of “The Public Health Act, 1875,” as to the levelling, paving, metalling, flagging, channelling and making good of streets not being highways repairable by the inhabitants at large, and as to the declaration and dedication of such streets as highways, and any statutory modification of such provisions, shall not, save with the consent of the Company, apply to any accommodation road so long as the same is maintained in good order to the reasonable satisfaction of the Local Authority ;

(c) Any road other than an accommodation road shall be of the width of forty feet at the least, but need not be of any greater width notwithstanding any future provision of any bye-laws of the Local Authority relating to the width of new streets ;

- (d) If the Company make any road other than an accommodation road of a greater width than forty feet so much of the width of the said road as exceeds forty feet (hereinafter referred to as "the unmetalled part") may consist of grass margins or ground planted with trees or laid out as gardens, and shall not without the consent of the Company be levelled, paved, metalled, flagged, channelled, made good or taken over by the Local Authority, and the powers of the Local Authority under Section 150 of "The Public Health Act, 1875," or any statutory modification thereof, shall not be put in force with reference to the unmetalled part of the said road without the consent of the Company so long as such unmetalled part is maintained in good order to the reasonable satisfaction of the Local Authority ;
- (e) Subject to the provisions of this Section any road other than an accommodation road shall be subject to all bye-laws of the Local Authority so far as such bye-laws are applicable ;
- (f) The Local Authority may if they think fit, with the consent of the Company, take over and maintain as highways repairable by the inhabitants at large any roads made by the Company when such roads shall have been made up, sewered, drained, levelled, kerbed, paved, metalled, flagged, channelled, made good and provided with proper means of lighting to the reasonable satisfaction of the Local Authority, notwithstanding that such roads may not be of the full width prescribed by or may not be otherwise in accordance with the bye-laws relating to new streets and footways for the time being in force in the district of such Local Authority ;
- (g) If where the consent of the Local Authority or the consent of the Company is prescribed by this Section, such consent be withheld, or if any other difference arises under this Section between the Company and the Local Authority the matter in question shall be referred to the determination of an Arbitrator to be appointed by the Local Government Board on the application of either party.

Appendix D

LIVERPOOL CORPORATION (STREETS AND BUILDINGS) ACT, 1908.

[8 EDW. 7, CH. CLXV.]

An Act for conferring on the Corporation of the city of Liverpool further powers for the better regulation of buildings the formation of streets and the laying out and development of estates within the city and for other purposes. A.D. 1908.

4.—(1) No person shall commence or proceed with the formation of a new street or the widening of an existing street or the widening or adaptation of any road footpath or way so as to form a new street otherwise than in accordance with plans sections and particulars previously approved by the Corporation nor otherwise than in accordance with any requirement condition or stipulation subject to which the Corporation may in exercise of any authority in that behalf given to them by this Act have approved such plans sections and particulars. Approval and conditions of formation of streets.

(2) Application for any such approval shall be made to the Corporation in writing and shall be accompanied by such plans sections and particulars in relation thereto as may be reasonably required by regulations issued by the Corporation and any application made otherwise than in accordance with such regulations shall be void.

(3) Whenever application shall be made to the Corporation to approve the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street within the city the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the formation widening or adaptation of such street road footpath or way to furnish the Corporation with plans and particulars showing the general scheme for the development or laying out of such estate or lands.

(4) If the Corporation determine that main thoroughfares or continuations of main thoroughfares or means of communication between main thoroughfares in the city or main approaches or continuations of main approaches or means of communication between main approaches to the city (hereinafter in this section called "main communications") will be necessary upon such estate or lands such main communications as so determined

shall be shown on the plans to be furnished to the Corporation under the last preceding subsection and the land required for the formation thereof shall be defined by posts and rails or otherwise as the Corporation may allow and dedicated to the public before the formation or widening or any such street or the widening or adaptation of any road footpath or way so as to form such street is commenced or proceeded with.

Width of
new streets.

6.—(1) Whenever application shall be made to the Corporation to approve the formation of a new street on any estate or lands it shall be lawful for the Corporation to require that the new street shall be formed of such width as the Corporation shall require :

Provided that in the event of the Corporation requiring any new street to be of any greater width than the following (hereinafter in this Act called "the prescribed width") viz. :—

(A) In the case of a new street which in the opinion of the Corporation will form a main thoroughfare or a continuation of a main thoroughfare or means of communication between main thoroughfares in the city or a continuation of a main approach or means of communication between main approaches to the city eighty feet ; or

(B) In the case of any other new street the width required for such street by any Act or byelaw for the time being in force within the city ;

the Corporation shall purchase from the owner of such estate or lands and such owner shall sell to the Corporation any additional land necessary to make such new street of such greater width as aforesaid and shall also make compensation to such owner for any loss or damage sustained by him by reason of the Corporation requiring the street to be of such greater width as aforesaid.

(5) Nothing contained in this section shall require an owner to incur any greater expense in the execution of any street works than he would have been required to incur if the new street had been of no greater width than the width required for such street under any byelaw for the time being in force within the city and any additional expense incurred in the execution of street works by reason of the new street being of such greater width shall be borne by the Corporation.

Corporation
may determine
width of car-
riageway and
footway in new
streets.

7. The Corporation shall determine in any case what proportion of the width of any new street or of any street of which a new street may form part shall be laid out as carriageway and as footway or footways respectively and any new street shall be formed accordingly.

Further pro-
visions as to
new streets.

8.—(1) When a road footpath or way within the city becomes in consequence of building operations a new street within the meaning of the Public Health Act 1875 but the land on only

one side of such street has been or is in course of being built on the Corporation may instead of requiring the owner of the land built on or in course of being built on to widen such road footpath or way to a width prescribed by this Act or any other Act or byelaws in force within the city require such owner to widen such road footpath or way so as to give a width of not less than one half of such prescribed width from the old centre line of such road footpath or way as determined by the city engineer by certificate under his hand to the boundary thereof adjoining such land.

(2) If and when the land on the opposite side of such road footpath or way shall be built on the Corporation shall require the owner of such land to complete the widening of such road footpath or way so as to give the complete width prescribed by any such Act or byelaws.

9.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the city distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line").

Building
line in new
streets to be
shown on plan.

(2) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof nor any addition to any house or building until the building line for such street has been approved by the Corporation nor beyond or in front of the building line approved by the Corporation.

(3) The provisions of section 3 of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been submitted to and approved by the Corporation.

(4) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of any such street than one-half of the prescribed width of the street and an additional one-tenth of such prescribed width the Corporation shall make compensation to the owner of any land lying between such one-tenth and the building line for any damage sustained by him by reason of his being unable to build upon such land.

(5) For the purpose of this section the city engineer shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

Relaxation of
Acts and bye-
laws.

14.—(1) If at any time the owner of any estate or lands shall in connection with the laying out and development of the same for building purposes set apart on such estate or lands to the approval of the Corporation a piece of land (being not less than one-tenth of the estate or lands being or about to be laid out or developed or one acre in extent whichever shall be the greater) as a garden or open space or if the Corporation and the owner so agree as a public garden or public recreation ground the Corporation may in granting their approval to the formation or widening of any street or the widening or adaptation of any way so as to form a street on any such estate or lands or the laying out or development of any such estate or lands dispense with the observance in relation to so much of any street or road on such estate or lands as the Corporation shall think fit of any of the provisions of any Act or byelaw for the time being in force within the city relating to paving metalling flagging channelling or making up of streets and the Corporation may thereupon at their own expense pave metal flag channel or make up in such manner as they shall think fit any such street or road.

(2) From and after the date of the grant of any such approval as mentioned in the preceding subsection no building or structure shall except with the consent of the Corporation and on such terms and conditions as the Corporation shall prescribe be erected on any piece of land so set apart as aforesaid.

(3) If the Corporation and the owner agree that any such piece of land shall be set apart as a public garden or public recreation ground the same shall thereupon vest in and be maintained by the Corporation and it shall be lawful for the Corporation to exercise with regard thereto all or any of the provisions relating to the management control maintenance and user of public gardens and public recreation grounds within the city.

(4) If any garden or open space set apart under the provisions of this section otherwise than as a public garden or public recreation ground has become from want of care or other cause in a neglected condition the Corporation may after giving not less than twenty-one days' notice to the owner of such garden or open space by resolution require the same to be set apart as a public garden or public recreation ground and the same shall thereupon as from the date specified in such resolution become a public garden or public recreation ground accordingly and be subject to the provisions of this section as if it had been originally agreed by and between the Corporation and the owner that it should be so set apart as a public garden or public recreation ground.

Laying out of
streets by Cor-
poration.

17. The Corporation may lay out with grass margins or plant with trees or lay out as gardens any part of any street or highway now or hereafter maintained by the Corporation provided

that the Corporation shall not reduce below a total width of thirty-six feet the part available for traffic of any such street or highway and the Corporation may from time to time as circumstances require throw into the carriageway or footway of any such street or highway any part of such grass margins parts planted with trees or parts laid out as gardens as aforesaid and may from time to time alter or re-arrange the parts of any street or highway laid out as a carriageway or footway respectively :

Provided always that nothing contained in this section shall empower the Corporation to prevent any person residing in any premises in or abutting on any such street or highway having full and free right and liberty of access to and from such premises from and to the metalled portion of such street or highway.

Appendix E

FORM OF MEMORANDUM OF ASSOCIATION FOR A DEVELOPMENT COMPANY

THE COMPANIES (CONSOLIDATION) ACT, 1908.

COMPANY LIMITED BY SHARES.

MEMORANDUM OF ASSOCIATION

OF

LIMITED.

1. The name of the Company is “ LIMITED.”
2. The Registered Office of the Company will be situate in .
3. The objects for which the Company is established are :—
 - (a) To purchase or otherwise acquire and lay out as garden estates or as building sites any land and buildings in (state locality and the special objects of the Company).
 - (b) To buy, sell, hire, lease, enfranchise, exchange, mortgage, hold, dispose of, or deal in, with or without consideration, land, houses and other property, of any tenure, or any interests therein, or any rights, easements or privileges connected therewith.
 - (c) To develop and turn to account any building estate or lands which may be acquired by the Company in any manner in which a building estate may be developed, and in particular to lay out, construct, pave, make up and dedicate to the public, roads, ways, footpaths, open spaces, gardens, pleasure grounds, bridges, and other means of access, and to construct and lay down sewers, canals, watercourses, drains, channels and gutters ; and to erect walls, boundaries and fences, and to erect, maintain, carry on, manage and control upon any lands of the Company or in which the Company is interested, clubs and places of public amusement, and generally to carry on all businesses usually carried on by building owners and estate owners, and to sell and dispose of, grant building and other leases of, and generally turn to account any property of the Company.

- (d) To build, construct, maintain, alter, enlarge, pull down, remove, replace, lay down and erect any buildings or structures of any nature whatsoever, and any engines, plant, machinery, or works of any nature whatsoever, which may be necessary or convenient for the purposes of the Company or calculated directly or indirectly to advance the Company's interests, and to employ others so to do, or join with others in so doing.
- (e) To found, lay out, construct, manage and carry on any land or estate as a garden estate on lines which as far as possible will provide for persons of all classes houses with gardens or situate in the near neighbourhood of gardens and open spaces.
- (f) To engage, assist, or participate in any undertaking, work, or business, either alone or in partnership, or in conjunction with (and especially on co-operative or co-partnership principles) any persons, firms, companies or corporations which the Company or its Directors may deem calculated directly or indirectly to benefit the Company, the said Estates or their inhabitants.
- (g) To carry on any other business, whether manufacturing, trading, commercial, or otherwise, which may be capable of being conveniently carried on in connection with any of the businesses of the Company, or may be calculated directly or indirectly to enhance the value of or render more profitable any property or business of the Company.
- (h) To lend money either with or without security, and generally to such persons, and upon such terms and conditions as the Company may think fit, and in particular to persons undertaking to build on, or improve any property in which the Company is interested, and to tenants, builders, contractors and others, and to guarantee the performance of contracts by any persons; to act as agents in the management purchase and sale of property, and generally to transact business as capitalists, bankers, and financiers.
- (i) To prepare, or co-operate in preparing town-planning schemes under the Housing, Town-Planning, etc., Act, 1909, or any enactments amending or extending the same, and to enter into any arrangement with any local authority to adopt any such scheme, with or without any modifications thereof, and to apply, or to concur in applying to the Local Government Board, for all authorities under the said Act, and to do all other things deemed to be necessary or desirable under the said Act, and to carry out or to co-operate in carrying out town-planning schemes, and to oppose other town-planning

schemes and the variation or revocation of town planning schemes prepared or carried out by the Company.

- (j) To set aside out of the profits of the Company such sums as the Directors may think proper, and apply the same to any purpose which the Company or its Directors may deem for the benefit directly or indirectly of the said Estates or their inhabitants, or any section thereof, including the maintenance and upkeep of any gardens, recreation grounds or open spaces provided by the Company.
- (k) With respect to any gardens, recreation grounds or open spaces provided by the Company for the common use of the inhabitants of any dwellings comprised in any town-planning scheme of the Company, to make bye-laws for the regulation thereof and for fixing the days and times of admission thereto, and for the preservation of order, and the prevention of nuisances therein; and to make such charges for the use of gardens, buildings, recreation grounds and open spaces as they may think fit.
- (l) To acquire the whole or any part of the property and business, and undertake the liabilities of any company, firm, or person, carrying on any business which this Company is authorised to carry on, or possessed of property suitable for the purpose of the Company.
- (m) To take by subscription, purchase, or otherwise acquire and hold shares or stock in, or the debentures or other securities of any other company, having objects altogether or in part similar to those of the Company, or carrying on any business capable of being conducted so as directly or indirectly to benefit the Company.
- (n) To promote any other company for the purpose of acquiring all or any part of the property and rights of this Company, or of undertaking any of its liabilities, or of carrying on any business which may be useful to this Company, or may enhance the value of any of its property, and to subscribe for, place, guarantee the placing of, underwrite, or pay commissions to secure the subscription of the capital or securities of or loans to any such company.
- (o) To sell or otherwise dispose of all or any part of the undertaking and assets of the Company, either together or in portions, for such consideration as the Company may think fit, and in particular for shares, stock, debentures, or securities of any other company having objects altogether or in part similar to those of the Company.
- (p) To invest and deal with the moneys of the Company not

immediately required for the business of the Company upon such securities and in such manner as may be thought fit.

- (q) To borrow or raise or secure the payment of money in such manner as the Company shall think fit ; to mortgage and charge the undertaking, and all or any part of the real and personal property, present or future, and all or any of the uncalled capital for the time being of the Company, and to create and issue at par or at a premium, or discount, bonds, debentures, mortgage debentures, debenture stock, and other securities, and to reduce, pay off or redeem the same.
- (r) To make, draw, accept, endorse, discount and issue, bills of exchange, promissory notes, warrants, debentures, and other negotiable or transferable instruments.
- (s) To apply for, promote, and obtain any act, charter, provisional order, licence, or authority, expedient or useful for any of the objects of the Company, or for effecting any modification of the Company's constitution, and to exercise all or any powers, and to give effect to all or any of the provisions of any such act, charter, provisional order, licence, or other authority, and to enter into any arrangements with any authorities, municipal, local or otherwise, that may seem conducive to the Company's objects or any of them, and to obtain from any such authority any rights, privileges and concessions which the Company may think it desirable to obtain, and to carry out, exercise, and comply with any such arrangements, rights, privileges, and concessions ; and to surrender or convey to any such authority any land or property of the Company to be used for public purposes.
- (t) To pay all or any expenses incurred in connection with the formation, promotion and incorporation of the Company, the negotiations relating to the purchase or acquisition of its estates or assets, or the procuring of the subscription of its capital, or any part thereof, or the obtaining of any loans, and to pay commissions to brokers and others for subscribing for, underwriting, placing, selling, guaranteeing, or procuring the subscription of any shares, debentures or securities of the Company, subject as regards any such commission for subscribing for, or procuring the subscription of shares to the provisions of the Articles of Association of the Company for the time being in force.
- (u) To effect insurances against loss to the Company, or to the persons employed by it, and to pay premiums and

to contribute to benefit funds, hospitals, churches, chapels, baths, libraries, clubs, lecture halls, or other public or charitable institutions, and to give gratuities, pensions, and charitable relief.

4. The liability of the Members is Limited.

5. The Capital of the Company is

The Company has power to increase or reduce its Capital, and to issue any Shares in its original or increased Capital with or without any preference, priority, or special rights, or subject to any restriction, limitation or postponement that may be determined upon by the Company in General Meeting.

WE, the several persons, whose names, addresses and descriptions are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the number of shares in the Capital of the Company set opposite our respective names.

Names, Addresses and Descriptions of Subscribers.	Number of Shares taken by each Subscriber.

Dated the day of , 19 .

Witness to the above Signatures:—

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TOWN PLANNING, ETC., ACT, 1909.

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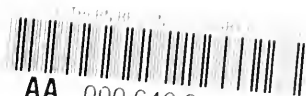
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